

COMMISSION DE LUNATICO INQUIREND0.

AN INQUIRY
INTO THE STATE OF MIND
OF
W. F. WINDHAM, ESQ.
OF
FELLBRIGG HALL, NORFOLK,
BEFORE

SAMUEL WARREN, ESQ., Q.C., AND A SPECIAL JURY,

UPON THE PETITION OF
GENERAL WINDHAM, C.B., ETC.,

THE UNCLE OF THE ALLEGED LUNATIC,

AND OTHER MEMBERS OF THE FAMILY,

At Her Majesty's Court of Exchequer, Westminster,

COMMENCING DECEMBER 16, 1861.

Illustrated & Unabridged Edition.

LONDON :
W. OLIVER, 13, CATHERINE STREET, STRAND.

ONE SHILLING.

ROYAL COLLEGE
OF
PHYSICIANS
OF
LONDON

PHYSICIANS

AN INQUIRY
INTO THE
STATE OF MIND
OF
W. F. WINDHAM, ESQ.

By virtue of a Commission *de Lunatico*, issued by the Lords Justices, an inquiry into the state of mind of Mr. William Frederick Windham, of Fellbrigg-hall, Norfolk, was commenced in the Court of Exchequer, Westminster, before Mr. Samuel Warren, Q.C., one of the Masters in Lunacy, and a special jury, on Tuesday, December 16th, 1861. The commission had been granted on the petition of General Windham, the uncle of the alleged lunatic, and other members of the family. The public interest in the proceedings was manifested by a crowded court-room on the occasion.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. H. Williams, instructed by Messrs. Field and Roscoe, of Lincoln's-inn-fields, appeared for the petitioners; Mr. Charles Russell, instructed by Mr. Chappel, of Golden-square, for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, instructed by Gregory and Co., of Bedford-row, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mr. Windham. 5

FIRST DAY'S PROCEEDINGS—MONDAY, DECEMBER 16.

The commission having been read, and the Master having addressed the jury,

Mr. M. Chambers rose to open the case for the petitioners. He said: I have gone through a great mass of information relative to the state and condition of mind of Mr. Windham, and I have done so for the purpose of endeavouring to place before you as briefly and as simply as possible the history of the alleged lunatic from early life, in order that you may decide, after hearing the evidence, whether he is, or is not, unfit to govern himself and his affairs. Mr. Windham, who is described in the commission as of Fellbrigg-hall, Norfolk, attained his majority on the 9th of August last, and the object of the present inquiry is to ascertain and decide whether, upon the 1st of August, a very short time before he came of age, he was fit and competent to manage himself and his affairs. He is the only son of the late William Howe Windham, who was a nephew of the Mr. Windham whose name must be familiar to all persons acquainted with political or even historical matters, and whose estates were inherited, or, in ordinary circumstances, will be inherited by the alleged lunatic. Those estates consist, in the first place, of Fellbrigg-hall, Norfolk, with the park and grounds annexed thereto; and, secondly, of other property to which I will presently direct your particular attention. The late William Howe Windham was married to Lady Sophia Hervey, a sister of the present Marquis of Bristol. The alleged lunatic, therefore, is connected with the Bristol family, and in the course of my narrative you will find that those connections have been parties to the present proceedings as petitioners. William Frederick Windham was born on the 9th of August, 1840, and, as already stated, attained his majority on the 9th of August,

in the present year. His father died on the 24th of November, 1854. having appointed by will General Windham, his brother, and Lady Sophia, his widow, as his executors and the testamentary guardians of his son. At the age of twenty-one the son would become entitled to Fellbrigg-hall, with the park and timber, and a rental therefrom of about £3,100 per annum. That sum, however, would be reduced by certain deductions. In the first place, it would be subject to a deduction of £1,500 a year, the amount of his mother's jointure; and, secondly, according to calculations, about £350 would be required to be laid out upon the property itself, so that, in point of fact, the young man would have an income of between £1,200 and £1,300. But there were certain other estates which were not to come into his possession until the year 1869. The object of so delaying his possession was that certain incumbrances upon the property might gradually be paid off; but it appeared that, although he would come into a nominal income of about £9,000 per annum in 1869, there would still remain so large an incumbrance not paid off that the real income would not exceed £4,000 or £5,000. That income, according to the settlements, was to be an income for his own life. From earliest infancy he was not like other children; he had not the usual intellectual powers; in fact, his case was one of mental deficiency—not of absolute raving mania, or anything of that kind, but of simple imbecility. It was matter of common knowledge that the deficiency of mental power in persons who were next to idiots was not unfrequently accompanied by a sort of cleverness which, if the mind were sound, would unquestionably be an exceedingly valuable intellectual possession, but which was acknowledged to be not at all inconsistent with such a state of mind as rendered the party utterly incompetent to take care of himself or his own affairs. The father of the alleged lunatic early in his life noticed the weakness of his intellect, and he was so concerned and anxious about it that he consulted Mr. Nichols, a surgeon in Norwich, whose skill and knowledge as a medical man were known far and wide. Mr. Nichols would tell them how William Frederick Windham was brought to him by his father when he was not more than four or five years of age, how he examined him carefully, and how he predicted that, instead of the defect being removed, and the mind coming to a healthy state by the progress of time, the malady would increase as time went on. In fact, Mr. Nichols gave the father so hopeless an opinion that the latter did not again revert to the mental condition of his son, although he remained on intimate and friendly terms with the surgeon. While quite a boy the alleged lunatic, owing no doubt to his want of mental power, was exceedingly fond of low company and low pursuits. He went among the servants and did acts inconsistent with his position as a young gentleman. He wished to wait at table, and even to wash the dishes. At one period of his life his father, indulging him as he would indulge a person of admittedly unsound mind, actually purchased for him the livery of a footman that he might act as the menial he desired to be. The first school he went to was that of Dr. Badham, at Blackheath. He was then about nine years of age. His manners at Blackheath were described as having been peculiarly childish. He was very feeble in his mental powers, and then were exhibited to the observation of the whole school, what afterwards increased with the progress of time—peculiarly dirty and nasty habits with respect to his person, and a strong propensity to express himself in filthy language. In 1854 he was removed to Eton, where it was hoped that the discipline of a public school, and the opportunity of mixing with others of his own condition and age, would effect an improvement both in his mental capacity and in his manners and habits. At first, and for a very short time, he was in the house of Mr. Balston, one of the masters; but his conduct there was so extraordinary, and so inconsistent with the power of taking reasonable care of himself, that it was deemed desirable to put him into the hands of a private tutor. He was, accordingly, placed under the care of Mr. Cheales, a man of great experience in the education and management of boys. Mr. Cheales soon found that he had undertaken a most difficult and disagreeable duty. He tried in a variety of ways to deal with the unfortunate youth who had been intrusted to his care. Mr. Windham was now a young man about sixteen years of age, but Mr. Cheales discovered that very little could be done with him in the way of education. He could introduce only a very small amount of knowledge into his head. He adopted successively various modes of dealing with him. First he tried kindness, then he tried reasoning, and then he tried punishment. The result was that the only means of operating upon him, and then only for a short time, was found to be actual personal chastisement—the

influence of terror. Among other characteristics, Mr. Cheales discovered in him an extraordinary deficiency of mental power. He found, too, that the youth did not seem to know the difference between truth and falsehood; that he was in the habit of telling the most transparent lies, unconsciously, perhaps, of their real character; and that, in short, it was utterly impossible to place the slightest reliance upon anything he said. That was a characteristic which had followed him up to the present day. Mr. Windham also exhibited at Eton and elsewhere the greatest possible delight in gorging himself—in eating an enormous quantity of food, and in devouring it more like a brute than a rational being. He seemed to have no control over his appetite, and would sometimes eat until he was obliged to go out of the room to be sick, or until he actually vomited in the presence of the persons at table with him. At Eton he played the part of buffoon, and his manners were so extraordinary and irrational, that the boys christened him by the name of “Mad Windham,” frequently amusing themselves by setting him to perform strange antics. He still retained the unfortunate habit of associating with low people. He visited the kitchen whenever he possibly could, and when there he insulted and abused the servants, calling them by the worst and most offensive names. Another habit which he fell into was that of screeching and howling both within and without doors, in a way to alarm every person who heard him. He was also subject to extraordinary fits of passion, flying into a violent rage with little or no cause, and abusing all who approached him in filthy and profane language. Shortly after the death of his father, while on a visit to Fellbrigg-hall, he was guilty of great cruelty to animals, without any adequate cause. At one moment he would appear to be exceedingly fond of his pony or horse, but the next instant he would whip and kick it in the most cruel manner. He was taken into good society at Eton and elsewhere by Mr. Cheales, but his behaviour was always offensive, particularly to ladies, and was frequently made the subject of complaint to his tutor. At an evening party in Torquay, he suddenly, without any provocation, broke out into a violent passion, seized a strange gentleman by the whiskers, and ran him up against the wall, screeching and howling all the time. Upon being remonstrated with by Mr. Cheales and others, he merely uttered a loud unmeaning laugh, which showed at once that he was not responsible for his acts. It was curious that, while fond of gorging himself with food, he was never addicted to drinking. Hence his acts could not be ascribed to the effects of drink. It had been observed that the excessive use of intoxicating liquors led in him only to increased dullness and stupidity, and never to irrationality of conduct. There was, however, a degree of cunning about him which few would suspect. For instance, although he was inconsequential in the extreme, and had no reasoning powers, yet he was able to put a sort of proposition which, at first sight, many persons would think indicated a glimmering of reason. When it came to be examined, however, it would be found to have nothing to do with the matter in hand, to be words, and nothing more. At Eton, after he had reached the age of seventeen, when spoken to sternly he used to cry and blubber like a child, allowing the tears to roll down his cheeks, and never attempting to wipe them away with a pocket-handkerchief. After consulting Dr. Ferguson, who gave him an opinion intended to console him for his ill-success in his attempt to cultivate a barren soil, Mr. Cheales resigned his tutorship in despair, and Mr. Windham was transferred by Lady Sophia to the care of Mr. Goodwin, at Torquay. The latter gentleman would describe to them his vain efforts to improve the pupil, and would in all essential respects confirm the statement of Mr. Cheales. In 1857, General Windham, who had distinguished himself in the Crimea, was ordered out to India. Before leaving England he thought it necessary to make his nephew a ward in Chancery, and that led in 1858 to Lord Alfred Hervey and another Mr. Windham being associated with the original testamentary guardians, Lady Sophia and General Windham. The position of the young Mr. Windham was then brought under the notice of Vice-Chancellor Wood, who, seeing what his manner and habits were, thought he should have an opportunity of travelling. Colonel Bathurst, who had been in the Guards, was induced to take him abroad, but he had no sooner landed on the Continent than he found that he might as well have taken charge of a wild animal. The conduct of the youth was quite outrageous, and upon one occasion the Colonel was absolutely obliged to strike him to keep him in anything like order. At Spa he went about with his clothes unbuttoned, and exhibited an utter unconscience not only of the value of money, but even of its use, by throwing it about at the gaming-table and elsewhere. When Colonel Bathurst returned to

England, at the end of three months, Mr. Windham was placed under the charge of Mr. Horrocks, a tutor, who tried every possible means to work upon his mind, but in vain. Mr. Horrocks, like Mr. Cheales, found that he could be acted upon only by extreme severity, and Mr. Horrocks was occasionally extremely severe. For that reason Lady Sophia was not quite satisfied with Mr. Horrocks, though in point of fact his conduct was unexceptionable. He also observed in Mr. Windham a propensity for lying, amounting to a want of knowledge of the difference between truth and falsehood. On one occasion the wretched youth actually swore an oath to Mr. Horrocks that he had become a Roman Catholic, though there was not the slightest foundation for the statement, he having, in fact, no notion of the difference between Protestantism and Roman Catholicism. While on a visit at Fellbrigg-hall with Mr. Horrocks he drove at a furious rate into a neighbouring village, and told the innkeeper that he had his rents in the dogcart with him, protected by a brace of pistols. He repeated the same story in the market-place in Norwich. There was no foundation for it. About the same time he became very military in his ideas, and, although he held no commission, he assumed the title of captain, maintained he was the greatest man in England, and required every person to address him as "Captain Windham." The police at Norwich and Yarmouth were obliged to comply with that requisition, and even in London, among the police and others, he was called by no other name than Captain Windham. One of his fancies was to go with railway trains and work the break as a guard. He even attempted to get upon the engine without the permission of the engineer, and to put the steam on. Upon the occasion, in consequence of this unfortunate propensity, he very nearly caused a frightful accident at the Cambridge station. He suddenly snatched a whistle from the guard and blew it to start the train. The engineer, not knowing who had blown the whistle, actually started the train, and if it had not been stopped in time it would have run into either an approaching train, or a train which had passed on a minute or two before. He had a guard's uniform made for him, with all its appendages, belt and whistle complete, and dressed in this suit he would go to the platform, take the luggage from the passengers as they came out of the ticket-office, put it in the luggage van, and then, jumping into a second-class carriage, would travel with the train as far as he pleased, repeating his performance at every station where a stoppage took place. Upon one occasion he travelled with a gentleman who was going down to Yarmouth and who knew him well. He left the carriage at Norwich, and upon the gentleman asking him why he was not going on to Yarmouth, "Oh," he said, "I am going to work the six o'clock Parliamentary train," meaning that he was going to London with the six o'clock Parliamentary train during the whole of that week. Upon another occasion he returned to his lodgings one morning, after being out all night, covered with smoke and dirt like a stoker; and, in point of fact, he was permitted to work as a stoker upon the engine. While staying at Fellbrigg-hall he ran off with a mail cart, pretended to be an officer in the service of the Queen, drove furiously into a crowd assembled in front of a menagerie of wild beasts, wanted to go into the menagerie with horse, cart, and all, and wound up by fighting one of the showmen, who gave him two black eyes. From Mr. Horrocks he passed into the hands of Mr. Peafield, of Cambridge, who took him a tour through Scotland and Ireland. In Scotland he continued his screeching and howling, and, in fact, proved quite unimprovable. In May of the present year General Windham returned to England, having been written to by his sister. His conduct towards his nephew had always evinced the utmost affection and a desire to consult his interests only, and to prevent the necessity of any public inquiry or exposure. He proposed that the young man should go abroad with some person of position, who might assist him in governing himself and his affairs. Mr. Windham assented, or seemed to assent to go, and his uncle thought it was all arranged; but, unfortunately, other persons intervened and entirely frustrated the anxious object of the family. Somebody had impressed upon his mind that his uncle was one of his enemies, and that the real object was to prevent him from marrying and having children, so that General Windham might succeed to the property. The fact was that General Windham would not so succeed; but such was the idea suggested to the alleged lunatic. Subsequently young Mr. Windham went to live with Mr. Peafield at Mr. and Mrs. Lewellin's, in Duke street, St. James's. He was there from May to the 29th of August. His conduct continued the same as before. Upon one occasion, because his dinner was not ready the moment he ordered it, he threw open the window, and howled and screamed so that the whole street

might hear him. His gormandizing propensities were exhibited in many curious ways. Once as many as 17 eggs were served up to his breakfast ; upon another occasion 12 ; and frequently when he came home without notice the cook had to poach an incredible number for him. He would cut up joints and throw the pieces about the room, and in eating he made a noise like a pig. One day he ate until he was sick, and vomited on Mrs. Lewellin's dress. It was sometimes extremely difficult to get him to wash himself, and his bed was often found in a filthy state, indicating a common symptom of imbecility of mind. He also got into the habit of calling everybody "Old Bob Ridley," and would frequently, while at dinner, lay down his knife and fork to beat that tune upon the table. Occasionally he would order dinner for a large party, and then, going out, not appear again till late at night, when he would return alone. He ordered several pairs of boots from a bootmaker in the Opera Colonnade, and told the tradesman to send home for every pair of boots two pairs of boot-trees. Had his orders been executed to the letter he would have received somewhere about 40 pairs of boot-trees. When the bootmaker called with his account he abused him in the most violent language, and then all at once offered to treat him with champagne. He became well known to the police in and about the Haymarket, and exhibited a desire to act as a policeman himself. He had a particular propensity to give women in charge, but he would attack other persons without cause, and order the police to take them to the station-house. At Norwich he assumed the character of a detective. While at Yarmouth he ran after a party of soldiers in the streets, saying he was their captain, and ordering them off to the guardhouse. In July he met with a woman who passed by the name of Agnes Willoughby, but whose real name was Rogers. It was in the Ascot week, and judging from his own statement, he saw her first with a person named Roberts. This Roberts lived in a handsome house in Piccadilly, had a brougham, made a splendid appearance about town, and was a well-known man in certain circles. He and Miss Agnes Willoughby, *alias* Rogers, had been for some time, according to the statement of the alleged lunatic, upon close and intimate and improper terms. Miss Willoughby was not the chastest of the chaste ; her favours in love affairs were not few ; she was known to the police. On the 30th of August, having come of age on the 9th, Mr. Windham was married to Miss Willoughby, *alias* Rogers, although both he and the lady knew at the time that he was suffering from a foul and infectious disorder. Hastily and hurriedly marriage settlements were prepared by Mr. Bowen May, a solicitor in Russell-square, giving the lady £800 a year at once, to be increased to £1,500 in 1869, when Mr. Windham came into the settled estates. The date was the 29th of August, and the settlement was one in perpetuity, so that Mrs. Windham, without pecuniary loss, might get rid of her husband—whom she admitted she loathed—whenever she pleased. Nor was this all. Those who had now got possession of the unfortunate young man were not satisfied with £800 a year ; they took him to a jeweller's, and there, with an income of £1,250 per annum, he ordered jewellery to the value of £12,000 or £14,000 for his wife. Moreover, Roberts went down to Fellbrigg-hall and represented to the woodman that he had bought all the timber on the estate for £5,000 for three years, and he would have cut every stick of it if he had been allowed. While staying at Fellbrigg-hall with his wife Mr. Windham was taken ill. An old family doctor was sent for. Mrs. Windham asked him, speaking of her husband, whether he did not think his relations were poisoning him. The doctor said he did not entertain any such idea. He was not allowed to see Mr. Windham again, but was told, on calling at the hall, that Mrs. Windham had sent for her own doctor. On his return to town a short time ago Mr. Windham was visited, under an order of the Lords Justices, by Dr. Mayo and Dr. Forbes Winslow. They found him occupying a suite of apartments in Roberts' house in Piccadilly. Dr. Winslow talked to him of the relations which existed between Roberts and his wife both before and after her marriage, but he failed to perceive in the unfortunate man anything like a notion of decency or propriety, or a sense of honour. All that could be got from him was, "Oh ! Bawdy-house Roberts is a very good fellow, and I like him." The learned counsel then read a placard written by Roberts, but signed by the alleged lunatic, calling upon the "people of Great Britain" to protect him from a conspiracy to defraud him out of his property ; and concluded by expressing his belief that the statement which he had just submitted to the jury would be in every respect confirmed by the witnesses whom he should call before them.

The examination of witnesses in favour of the case of the promoters of the inquiry was then proceeded with.

MR. NICHOLS, SURGEON, NORFOLK.

Mr. Nichols, who was examined by Mr. Field, Solicitor:—

I am in practice as a surgeon in Norwich, and have been for more than 30 years. During the last 25 years I have had between 100 and 200 cases of insanity under my care. I am the proprietor of a large private asylum in Norfolk, and am chief surgeon to the Bethel Hospital, in Norwich. I have been for many years acquainted with the Windham family at Fellbrigg-hall. I knew the late Mr. Windham up to the time of his death, which took place in 1854. I know William Frederick Windham, the subject of the present inquiry. My professional attention was drawn to him by his father when the son was about four years of age. I found him to be a child of infirm mental organization. He was unable to speak, was slaving from the mouth, and presented other indications of mental deficiency which induced me to believe that in all probability he would become an idiot. He has not become an idiot, which I confess has surprised me, but he is the next thing to it. I was not afterwards consulted by his father. About two years since I saw the son at a ball in Norwich. I was introduced to him as a friend of the family. He shook hands with me, and immediately burst out into a violent idiotic laugh. I endeavoured to get him into conversation, but his replies were quite incoherent and convinced me that the malady I had warned his father of had manifested itself in an extraordinary degree. During the evening he shook hands with me several times, not remembering, I believe, that he had done so before. He wore a military uniform. According to my judgment, he was in an extremely feeble condition of intellect, in a state constituting unsoundness of mind, unfit to manage himself or his property.

Cross-examined by Sir Hugh Cairns.—My attention was first directed to the condition of Mr. Windham in 1843 or 1844. He was then about four years of age, and was scarcely able to articulate. I have no note in my diary relating to my examination of him. I speak entirely from memory. At that time I did not keep any memorandum of my cases. I was not consulted about anything relating to his physical health, nor did I prescribe for a weak knee. One of the grounds of my conclusion as to his defective mental organization was, that he was unable to articulate perfectly. Another was slaving at the mouth. There were other indications of a congenital malformation. One was inattention to anything said to him. I could not draw his attention to his playthings; in fact, he took no notice of any object. I have no doubt I endeavoured to direct his attention to my watch, and I have as little doubt that I did not succeed. I noticed a defect in his upper lip, which was drawn up, leaving the gum exposed. I observed no defect in the upper jaw. I recollect making an affidavit in this case to be used in the Court of Chancery. If I stated in that affidavit that William Frederick Windham was between five and six years of age when I examined him, I must have made a mistake; for he could not have been more than four years of age at furthest. The ball in Norwich at which I met Mr. Windham took place in the autumn of 1858. It was an assembly ball. His laugh was very unlike that of a person of sound mind, and was calculated to attract the attention of the bystanders. He wore a military uniform. At that time he had a commission in a militia regiment. Later in the evening he shook hands with me a second time, and talked, as I thought, incoherently.

Re-examined by Mr. Chambers.—When I saw Mr. Windham as a child the opinion I formed as to his mental incapacity was founded not only upon the symptoms I have mentioned, but also upon the formation of his head. The slaving at the mouth did not arise from the defect in his upper lip, but, as I believed, from his defective mental organization. His laugh at the ball in Norwich attracted the attention of the bystanders. It was an idiotic laugh—loud, shrieking, unmeaning. He did not conduct himself like the other young men in the room. His manner was generally observed and commented upon. It was that of an imbecile.

By the Master.—What I saw at the ball could not be accounted for by more eccentricity.

THE REV. H. J. CHEALES, LATE TUTOR TO W. F. WINDHAM.

The Rev. H. J. Cheales examined, said:—I recollect being engaged at Eton as

private tutor to William Frederick Windham. He was at that time at the house of Mr. Balston, one of the masters. In the autumn of 1854 we went to Chesterfield, and afterwards to Fellbrigg-hall. The Christmas holidays we spent in London. It was my duty to take care of him in everyway. His power of learning was very small. He could read and write English, but not well. He was decidedly inferior to boys of his age generally. His habits were not cleanly. His hands and face were constantly dirty, and he seemed to have no wish to keep them clean. It was necessary constantly to order him to wash himself. He showed great gluttony, and would sit with the saliva running from his mouth at his meals. He ate voraciously, and used to sleep heavily after his meals. I do not remember any sickness resulting from his gluttony. I frequently remonstrated with him on the subject, telling him to eat more sparingly and with greater decency. His gluttony continued. I also spoke to him about the slobbering at the mouth, but it likewise continued. He made no answer to my remonstrances. His habit was to sit with his mouth wide open, the saliva running from the corners, and he would sometimes not use his pocket-handkerchief until I told him to do so. When scolded for any fault, he used to cry far more than boys of his age generally do. The tears ran profusely from his eyes, and sometimes he would let them run down his cheeks without attempting to wipe them away. His laugh was unlike that of a reasonable person. He would sometimes laugh without any apparent cause, and in a loud boisterous manner. He made other noises—screeching and yelling—both in and out of the house. He was so addicted to lying that he could not be believed. I endeavoured to correct his habit in this respect, and repeatedly punished him for it, but I met with no success. The untruths he told were sometimes cunning enough, but sometimes they were quite transparent. I think he had a very imperfect sense of the difference between right and wrong, truth and falsehood. His lies were generally intended to protect himself from punishment, and occasionally were exaggerations of what he had seen. They were usually such as were easy of detection. He was much given to low company—the lower servants at Fellbrigg and the porters at railway stations. At Eton and elsewhere he would always be in the kitchen when he could. I could not keep him away. He had violent fits of passion, not always with a cause, during which he would abuse everybody who approached him. At those times he used the worst possible language—profane and filthy. Even on ordinary occasions his language was coarse and nasty, interlarded with oaths. I have seen him dance about the house, moving his head and limbs in a peculiar manner, and screaming in a loud voice. I once punished him for brandishing a poker in the kitchen. At Fellbrigg he had a pony and horses. Sometimes he treated them savagely. He would get off his pony, and kick it and beat it, and jerk its mouth with the reins. Generally there was no ground for beating the animal so. He rode recklessly and cruelly. I punished him on one occasion for swearing at and beating one of the maid servants. I took him into society at Eton and elsewhere. He behaved noisily, riotously, and was rude in his manner to ladies. One evening, at a party in Torquay, he seized a gentleman by the whiskers and held his head against the wall. There was not the least provocation. It was one of those outbursts of excitement to which he was accustomed. He uttered a loud laugh. I was obliged to release the gentleman. There were ladies present. Ladies have frequently asked me to protect them from him—to take him away. When he lived with me I have been obliged to speak to him about going among the servants and washing up dishes. I have forbidden him to carry trays. My remonstrances had no effect. He was in the habit of sleeping in the daytime—much oftener than is usual with boys at his age. He bought himself a railway whistle, and would use it in his own room, shutting the door as if it were the door of a railway carriage, and acting as if he were a railway guard. When trains arrived at the Windsor station he used to open the doors and assist the passengers to alight. Complaints were made to me of his conduct at the station more than once, but nothing I could say or do had any effect. On one occasion I told him I had heard he had been imitating a steam-engine, and moving about as if he were one, lamp and all. He did not seem to see the harm of it. Owing to my want of success with him, I took him to Dr. Robert Fergusson in the early part of the summer of 1856. Dr. Ferguson gave me an opinion upon his condition, but not in his presence. I remained his tutor for a year after that, but there was no improvement in his mental power, though he could then do school work—Latin and Greek—better than he could have done it twelve months before. I gave up my tutorship in 1857 without having succeeded at all in improving his

habits. I think his intellect was lower than any I had ever seen in a boy of his age. I treated him on that footing.

At this stage the inquiry was adjourned.

SECOND DAY.—WEDNESDAY, DEC. 17.

The inquiry in this case was resumed this day before Master Warren and a special jury. The parties were represented by counsel as on the previous day.

THE REV. H. J. CHEALES.

The Rev. H. J. Cheales, cross-examined by Sir H. Cairns—I was engaged to act as private tutor to Mr. Windham by Mr. Balston, who engaged me on behalf of his mother on 27th April, 1855. I was the first private tutor he had at the school. He was at that time in the fourth form. He had then been at Eton more than half a year. His school work would have been Latin, Greek, and verses. I don't know that he was the oldest boy in the fourth form. It is very seldom that boys as old as 15 are in the fourth form, though it does so happen occasionally. His spelling was bad all the while he was with me. I did not complain to the "dame" in whose house he was at Eton about his dirty habits in not washing his dirty hands and face. I did make representations to his mother on the subject when we were at Felbrigg, and she said, "You must try and cure his dirty habits." When I complained to him about his gluttony and his habit of slobbering he merely grinned. The defect in his lip did not prevent his closing his mouth. He did not slobber at all times, but only when he was sitting still at his lessons, or when he was at his meals and not actually eating. Mr. Windham was my first and only pupil. When I saw him laughing without apparent cause, I have occasionally asked him why he laughed, and he would sometimes reply that it was what he was thinking of, and sometimes that he could not help it. I never saw other boys laugh before their masters in the wild way he laughed. It was a meaningless laugh, as if he were laughing at nothing. It was like the laugh of a person who was without reason. He was a boy of very wild spirit. When he screeched and made a noise without reason, I have asked him what it was for, and he could not or would not tell me. He would screech and dance about the room and laugh wildly. Sometimes he would do this in the presence of other boys for their amusement to make them laugh. I never reported his untruthfulness to the head master, but I reported his riotous conduct in the house to Mr. Balston, who reported it to the head master, and he was flogged for it. That sometimes happens with other boys at Eton. The habits of a boy as to truthfulness and cleanliness would, no doubt, much depend upon the manner in which he had been brought up. Young Mr. Windham was, I understood, brought up with his father and mother at home. I never heard, while at Norfolk, that the father had been in the habit of swearing and using bad language. On the first occasion I was at Felbrigg Mr. Windham, the father, was there. I saw nothing to lead me to suppose that he was a passionate man, or that he was in the habit of using oaths or profane language. Young Mr. Windham was very fond of going into the stable and mixing with the stable boys. He was not very fond of horses. While I was at Felbrigg there was nobody but his parents and myself for him to associate with. He was the only boy I knew, at Eton or elsewhere, who showed a taste for being about a railway. I have heard of young men who were fond of getting upon an engine, if they were allowed to do so, to understand about the mode of driving railway engines. That would not indicate weak intellect. When I saw him in the kitchen making a noise with the servants, he was jumping about and laughing. That was in 1855, when he was fifteen years old. I gave him impositions for misconduct, generally 100 lines of Latin to write out. Sometimes I was obliged to resort to corporal punishment. I have seen the Highland fling danced, but though it is noisy and there is a good deal of jumping in it, I do not think it barbarous. When I punished him for brandishing the poker, swearing at the servants, beating the maids, and other faults, he did not deny that he did so. He did not tell an untruth about it, because he knew that I had got information from persons who saw it. When he rode out on his pony at Felbrigg he was scarcely ever alone. I usually went with him on horseback. When he got off and beat the pony, which he did frequently, he appeared to be dissatisfied he with the pony. What I mean by his riding recklessly was that he would ride with a loose rein over rough ground, and sometimes that would ride very fast. The pony was a sure footed animal. He went occasionally into

society in the neighbourhood of Fellbrigg. It was generally to cricket parties. He had no opportunity of going out to evening parties, or dining out at gentlemen's houses. He had no sisters. It was at Christmas, 1855, and at Easter, 1856, and again at Christmas, 1856, that we were at Torquay. I believe it was at Christmas, 1856, that he assaulted the gentleman at the party. His mother was with him at Torquay. Mr. Campana was the person he assaulted. He was a foreigner, an Italian. I had met Mr. Campana before, and so had young Mr. Windham. I don't know that any conversation took place before the assault. My attention was first directed to the circumstances by hearing his laugh when I was at the other end of the room. His mother was in the room. I did not complain to his mother about it. (To the Master)—Mr. Campana was between thirty and forty years of age. (To Sir H. Cairns)—I told Mr. Windham's mother that I was dissatisfied with my pupil. When I have been called upon to protect ladies against his rudeness he was about sixteen. The rudeness was following them about the room and shouting. What the ladies said to me was, "Take away this disagreeable boy." I remember Mrs. Jeffries, the housekeeper at Fellbrigg. I have complained to her of the conduct of my pupil. I had his mother's consent when I took him to Dr. Fergusson. I think Mr. Windham had an allowance paid through me when he was under my care at Eton. He was extravagant, and got into debt. I don't remember what was the amount of his allowance. I paid his debts—one of them was a debt of 18s. at a pastrycook's.

Sir H. Cairns—Was there ever much cordiality between you and your pupil?—We were very good friends at times—not so at other times. I left my pupil finally at Easter in 1857, when we were at Torquay. I did not see General Windham nor hear from him while his nephew was with me. I first made his acquaintance a few weeks ago. He asked me to call at his house at Eaton-square. He expressed a wish to see me. I did not see him from that time till yesterday, when I met him in court.

Cross-examined by Mr. Coleridge (on behalf of Mrs. Windham)—When Mr. Windham left Eton he was in the fifth form. I don't recollect what part of the form he was in. You may assume, for the purposes of a question, that he was in the middle division. While there he would have to do, Homer 75 lines; Virgil 75 lines; Satires and Odes of Horace, Livy, or Tacitus, Lucian, Xenophon, the Greek Testament, the Odyssey, or Telemachus, 24 lines of verses, Latin exercise, and Greek exercises and mathematics. He got through his work with my help. I cannot undertake to say he was in the fifth form. I do not know that he did Homer. There are trials at the school; I don't know how many in the year. I believe there are trials twice in the year. Mr. Windham was there two years, and was treated like the other boys. I never saw any other Eton boy make the noises he did, or conduct himself in the same way. I never heard the Ethiopian Serenaders. I never heard the way in which they imitate a steam engine and end with a howl. (Laughter.) I have not seen my pupil since I left him at Torquay, at Christmas, 1856. I resigned my charge from ill health. I left on my own accord.

Re-examined by Mr. Field—If my pupil was in the fifth form it was only for a very short time before he left. He was ill and not at school in the autumn of 1856, so that he could not have done fifth form work for many months. His capacity for the work he actually did was very small. I think his capacity slightly increased as he went on. His illness was caused by an injury to his finger, arising from his putting his hand in the lifting machine, and turning the wheel, which caused a cog wheel to come on his finger and crush it. I did not report his untruthfulness and noisy conduct to the head master, because I thought it better to treat him privately. His jumping and yelling was nothing like the Highland fling. I mean by riding recklessly that he rode in a way endangering his own safety. He got into debt to the extent of some few pounds.

By the Jury—The help I gave him in his studies was to see that he prepared his lessons, and put him right when he was wrong. I had to help him considerably more than private tutors usually help pupils. The removal from one form to another is by merit, the character of the boy being taken into consideration. His removal was the result of the school examination. In his case I believe favour was shown. He got flogged for not construing his lessons, but not often when I was with him. His allowance was about the same as other boys in the school. It was, I believe, about 1s. or 2s. a week. He went to the kitchen because he liked the company of the servants. His principal amusement there was washing up dishes.

EDWARD HALE, ETON, TUTOR TO MR. WINDHAM.

Edward Hale, examined by Mr. Williams—I am a clergyman and mathematical master at Eton, and have been so since 1850. I took part in the instruction of Mr. Windham. He was up to me in school in 1855, and he was my private pupil in the election and Easter, 1856. Part of the time I resided in the same house with him, Mrs. Voyse's. When he first came up to me I was obliged to have him sit close by me, and work separately from the other boys, as he could not keep up with them. The boys in the fourth form in Windham's time would be generally from eleven to fourteen years of age. I never could teach him Euclid. We got through a certain amount of vulgar fractions. He could do any sum when I showed him the way to do it, but he could never work out anything like a problem himself. He was the densest pupil I ever had. I don't think he made any sensible advance while he was under my care. When he first came up to me he began to make a row. I made him come up and sit by me and told him I would put him in the "bill," which means that he would be reported to the head master. He was amenable to discipline then, or to use another Eton word, he rather "funked." He was very dirty, and had indecent habits. I advised Mr. Cheales to consult a medical man about him, in consequence. He would get the boys round him, and make faces and dance for their amusement. From what I saw of him I considered him incapable of mental exertion, or of managing himself.

Cross-examined by Mr. Karslake—Mr. Cheales was never present when he did his lessons in school. The coaching of Mr. Cheales was, therefore, so far effective. Other boys are coached in the same way by private tutors if they are backward. He did not make a fool of himself in school after I put him in the bill. I did put him in the bill, and he was no doubt flogged. When he cried the noise he made was peculiar. It was a sort of "boo, boo," and he shed tears plentifully. I do not know that he was bullied more than other boys. I observed a malformation of his mouth. I did not know that he wore an ivory palate. In the fourth form we began with compound division and went up to vulgar fractions. He could not do a rule of three sum without assistance, but he could do a sum in vulgar fractions when he was shown how. He could do compound addition. He was my private pupil till he left at Christmas, 1856. I think Mr. Windham was never in my room with other private pupils. What I told him to do he did. He was utterly unable to understand the terms of any proposition in Euclid. I have never seen him since he left Eton. I believe he got as far as the fifth form, and that he was allowed to be presented to the fifth form without examination, because of the accident to his hand.

Cross-examined by Mr. Coleridge—I formed my opinion that he was incapable at the fourth form trials before he was my private pupil.

By Mr. Chambers—He was not fit to pass the examination necessary to go into the fifth form.

By the Master—I am master at Eton now, and have been so between eleven and twelve years. During that period I have never had a boy so low mentally, or so odd in his habits.

By a Juror—I have a distinct notion that he knew the first four rules of arithmetic, simple and compound. I never tested him with mental arithmetic. He was looked upon by the boys as a buffoon, and he was generally called by them "Mad Windham." I have heard of another boy being called mad, but that was before I was at Eton.

DR. DALRYMPLE, SURGEON, NORWICH.

Dr. Donald Dalrymple—I am a surgeon, and have long practised at Norwich. I was for more than twenty years proprietor of a lunatic asylum; I am also one of the governors of the Bethel Lunatic Hospital. I have known Mr. Windham from his childhood, having been intimately acquainted with his father. I lost sight of him from his birth to 1848. From that time I noticed him till 1854. My opinion of young Mr. Windham is that his intellectual powers are very much below par. I think he is fit to manage himself personally, but not to go into the world with reference to his own safety and the safety of the public. I think he is certainly unfit to manage his own property and money. He was subject to sudden fits of passion, and while under their influence I do not believe he was sensible of the distinction between right and wrong. In July or August, 1850, he staid two nights at my house with his mother. A horse was hired for him, because I did not like to trust him

with one of my own. He did not bring the horse back, but it was found the next day at the lower end of the town. The saddle came back at the end of a week, but the bridle never came back. I was at Norwich on the day of General Windham's ovation. There was a dinner at St. Andrew's-hall. Before dinner he rode in a carriage with his mother, my wife, and myself, and I had the greatest difficulty in keeping him to his seat in the carriage. He shouted and yelled, making a great noise which we could not stop, and when in the hall he jumped upon the chairs and the table, and he was continually interrupting the speeches. I can't say that he had not been drinking, but he was not drunk. His noisy conduct was not the effect of drink. He slept at my house that night. I went into his room to see if his light was out; it was not, but he was asleep and stark naked, without any bed-clothes on him.

Some other evidence was given by this witness as to certain habits of the alleged lunatic, which habits, the witness said, were both symptoms and causes of mental disease. The witness further spoke of various eccentricities of conduct on the part of Mr. Windham on several occasions down to the beginning of the present year.

Cross-examined by Mr. Karslake—I was intimate with the Windham family. Young Windham was a spoiled child. The late Mr. Windham was a very hot tempered man. His mother was also an excitable person. Young Mr. Windham, as a child, was allowed to have his own way. I think he would have been better if more restraint had been put upon him. He was irregularly restrained, and he would be blamed at one time for what would be passed over at another. I was a frequent visitor at the Hall. Young Windham was very fond of the servants' hall and the stable, but was more in the servants' hall than the stable. He was brought down to his father's funeral, and he was very much affected while in the church, but after the funeral I was painfully struck with the little emotion he displayed at his father's death. When he was stopping at my house in 1856 his mother wrote to me two or three days before to get him a horse. She never asked me to lend him one of my horses. The occasion on which the horse was hired was that of General Windham's ovation. It was quite a gala day. There was a procession, flags, and carriages, and people on horseback going about all day. I do not know of his having a peculiar defect in the mouth, or that he ever wore an ivory palate in his mouth. His speech is peculiar, but not so much so as to attract attention. The dinner at St. Andrew's-hall was about half-past four in the afternoon. There were many gentlemen and many of the Norfolk farmers present. Young Mr. Windham was noisy at every toast. There was wine *ad libitum*, and the proceedings lasted until nine o'clock. There was great noise when the general's health was drunk. I never heard more noise in St. Andrew's-hall. Mr. Windham came home to supper. I have seen him, when a child of five or six years old, fling himself down on the floor and howl and blare, and bite the carpet, because he was told that he must not do something he was doing. I remember an outbreak at a later period, between 1848 and 1854, when he came howling into the room and complaining that one of the servants had done something to him. I have never visited him at Fellbrigg since he became of age. I never, since he was of age, saw him deal with a tradesman or pay money. I have never shot with him or rode with him since; and God forbid I should dine with him. (A laugh.) I never saw him do anything in reference to the management of his affairs—buy, sell, or communicate with his steward, or any thing else in the way of business, since he came of age. Mr. Ansell, the solicitor, (formerly the receiver), employed me to make an affidavit in this case. I never saw Mr. Windham transact any matter of business. I never saw him fire a gun. Yet I said in the affidavit that I considered his mind so entirely inconsequential that he could not see the effect any course of action might have upon his affairs, and if he were to shoot a dog or a keeper insanity might be pleaded in his defence. What I stated in the affidavit and in my evidence to-day as to the habits which affected his mind, was from what I saw on the night he was at my house, and from his drinking, gormandising, and mingling with low company and low women. I believe he is able to take care of himself so far, that he would take good care that he would not get himself into danger; but I believe if he did injure anybody wilfully, insanity might properly be pleaded in his defence.

Re-examined by Mr. Chambers.—I do not consider that he is able to take care of himself in society, but that he is able to take care of himself personally. When he came home from the dinner he did not exhibit any signs of having drank to excess.

By the Master.—I have had twenty-five years' experience in cases of insanity. I consider Mr. Windham's case to be one of imperfectly developed mental power, and I believe it to be congenital in him. What I mean by his being able to take care of his person is, that he is physically able to defend himself.

DR. JOHNSON, PHYSICIAN, NORWICH.

Dr. James Johnson examined by Mr. Field.—I have practised as a physician in Norwich for thirty years. I have had a great deal of experience in mental diseases. I have known Mr. Windham from childhood personally, and more intimately since his uncle's return from the Crimea. At the ovation of the Fellbrigg tenantry on the occasion of his uncle's return I saw him on his pony, riding at random. He rode into the crowd, and as the pony was frightened by the discharge of artillery, he got off and tried to draw the pony into the crowd after him, through the horses, and carriages, and people. Lord Suffield interfered, and took him by the collar and dragged him out. I was at the Norwich sessions ball, in 1859, and saw Mr. Windham there. He behaved very strangely, jumped about, walked backwards, beckoned to the ladies to come down to him; he trod upon Sir John Boileau's toes, and instead of apologising, swore, and when somebody afterwards trod upon his toes he took up his foot in his hand and hopped across the room howling. (Laughter.) At the subscription ball his behaviour was equally strange. He forced his partner through the dances, tore the ladies' dresses, and committed other absurdities. He did the same at other balls. He laughed on these occasions in the strangest manner.

Cross-examined by Mr. Karslake—I cannot give you an idea of the kind of laugh unless you go to Colney Hatch. (A laugh.) I was never introduced to Mr. Windham. What I mean by being personally acquainted with him is that I knew him by sight. When he pushed his partner through the dancers they were waltzing. I refused to allow my daughter to dance with him, because I considered him to be a person of unsound mind.

REV. T. GOODWIN, OF TORQUAY.

Rev. Thos. Goodwin examined by Mr. Williams—I am a clergyman of the Church of England. I was residing in Torquay in the early part of 1857. I was applied to to take charge of Mr. Windham during the time I remained in Torquay. I did so, and he remained with me a fortnight or three weeks. He lived with his mother, and I went to the house each day. I attempted to instruct him. His education was exceedingly deficient. While I attended him we could do no more than get through two chapters of Prescott's "History of Peru." I found it almost impossible to fix his attention upon any subject, and when he did fix his attention upon any subject he had not the capacity to master it. I found him dirty in his habits, untruthful, and boastful. He would tell untruths without any other object than that of boasting. He was very excitable. I have seen him jump over chairs, jump on his mother's shoulders and try to ride on her like a horse, and when reading he would suddenly jump up and run three or four times round the garden as fast as he could. I have seen him fly into a violent passion because his mother, Lady Sophia, refused him permission to go out hunting. He gorged very much. I have seen him at an evening party bring in a large dirty dog and let it loose among the ladies. I have no doubt from what I saw of him that he is of unsound mind.

Cross-examined by Mr. Karslake—I judge of his deficient intellectual development from my conversation with him.

Re-examined by Mr. Chambers—He was quite unable to keep up a conversation, however simple.

COL. BATHURST, MR. WINDHAM'S CONTINENTAL COMPANION.

Colonel J. P. Bathurst examined by Mr. Chambers—I was formerly in the Coldstream Guards. I now command the 29th Middlesex Volunteers. I was introduced to young Mr. Windham in May, 1857, for the purpose of taking him abroad. I was appointed by Vice-Chancellor Wood to travel with him for about six months. We first went to Brussels, and then to Spa, where we remained a fortnight. We then went to Wiesbaden, to Baden Baden, and the usual tour through Switzerland. On our return we revisited Spa, and remained there a little while. We were away from England from the 19th of June to the end of September. I was constantly with him all that time. With the exception of looking at a newspaper occasionally, and at a novel I got for him, I do not think he applied

himself to anything while I was with him. Before we went abroad I got him the "Ingoldsby Legends," which he read part of I believe, because he remembered, and often afterwards repeated one couplet about the modern monk getting jolly drunk. (A laugh.) I observed that he was cruel to animals and was very fond of flogging horses severely. On one occasion at Spa he flogged a horse he rode so badly that I had to give a sum of money to the owner to settle the matter. He was a glutton at eating. He had a great fancy for speaking in the dialect that the common people of Norfolk use. He was very noisy, and would run up and down stairs at the hotel shouting at the top of his voice. The noise was usually a sort of hunting "halloo." He was constantly laughing, and I could at any time have set him off laughing for any length of time; the only difficulty would have been to stop him. He appeared when laughing, which he would do for no reason at all, to be unable to stop himself, and all the while the saliva would run down from the corners of his mouth. Sometimes he would cry equally without cause. While travelling on the continent he would endeavour to make acquaintance with the railway guards, and, by giving them a small *douceur*, get them to allow him to work the breaks with them. At the hotels he would laugh and romp with the waiters. I remonstrated with him, but my remonstrance had no permanent effect. He was always falling in love with the ladies wherever he met with them, and I heard that he proposed to some of them. Whilst I was with him at Plymouth he got excited at a dinner, and shouted out to a lady at the other end of the table repeatedly so as to attract attention. It was something more than want of manners. It was complained of to me that he used foul language in the presence of ladies, and I spoke to him about it. At my suggestion he made an apology. His behaviour in society generally was rude, boisterous, and unmanly. He would not be five minutes in a room without making himself conspicuous to all present. I have had repeated complaints made to me of his conduct, and have spoken to him about it. He was very careless in his clothes and person. I supplied him from time to time with small sums of money, which he wasted foolishly. He frequently told untruths, and was in the habit of making exaggerated statements. Many of his statements were such obvious untruths that I was almost led to believe that he scarcely knew the difference between truth and falsehood. I have seen him fly into passions so violent that I believe had he a weapon in his hand while under their influence he would be unable to control his actions. We returned before the time intended, because I felt I could make no improvement adequate to the remuneration I was receiving. My impression from what I saw of him is that he is decidedly of weak intellect. I believe he could manage himself; but if he went into society he would make himself very soon disagreeably conspicuous. I consider him decidedly unfit to manage his private affairs.

At the conclusion of the witness's examination in chief, the inquiry was further adjourned till next day.

THIRD DAY.—WEDNESDAY, DEC. 18.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell, for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

The Master said I am seriously distressed at the length to which it is almost inevitable this inquiry will extend. I have already signed and sealed about 200 summonses to witnesses. It may not be necessary to serve all those summonses, but I have issued them to all parts of England, to Scotland, to Ireland, and even to Russia. The expense of such an inquiry is necessarily frightful. All parties have an interest in keeping it down as much as possible, and I will do so. It is impossible for us to sit on Monday next, the day of the funeral of the late Prince Consort; but after that, with the exception of Christmas-day and Sundays, you may sit every day until three o'clock in the afternoon, up to the 1st of January. I understand that General Windham, a very distinguished officer, will have to go to India soon, in order to resume his command, which has been suspended by the Horse Guards solely for the purpose of enabling him to attend to this matter. Nevertheless, with every disposition to accommodate General Windham, I have other public duties which will

take and keep me away after the 1st of January until the end of the week. I hope that every effort will be made, consistent with justice, to shorten the inquiry, and meanwhile I trust that the arrangement which I have just announced will give general satisfaction.

Sir H. Cairns was sure that everybody engaged in the case would respond to the feeling which actuated the learned Master in proposing not to sit on Monday next. He was somewhat alarmed at hearing the great number of witnesses whom it was proposed to call on the other side, but he was not without hope that things would clear off a little as they proceeded with the inquiry. For his own part, he was prepared to do all he could to shorten the inquiry, but his course must be in a great measure regulated by what was done on the other side.

Mr. Field said that no effort would be wanting on the part of council for the petitioners to bring the proceedings to a close as soon as possible.

Colonel Bathurst, cross-examined by Sir H. Cairns.—I was a brother officer of General Windham in the Coldstream Guards. I was rather more than three months with young Mr. Windham. I was abroad from the 18th of June to the end of September. We were moving about during the whole of that time. Mr. Windham picked up one or two words of French, but he could not speak the language; he was therefore obliged to confine his conversation to those who understood English. I took him to church, but I was obliged to get him out of bed for that purpose. He purchased some clothes on the Continent, but they were not suitable to his condition as a gentleman. In that instance he may be said to have thrown his money away. While we were abroad I spent for him at the rate of about £200 a-year. That included clothes and pocket-money. I gave him money when he asked me for it. I have spoken to him once since I parted from him on our return to England. At the time I was travelling on the Continent I did not enter into the Roman Catholic Church, nor have I done so since. There was a paragraph in the paper to that effect, but it related to my brother. I gave Mr. Windham up to his guardians.

Re-examined by Mr. M. Chambers.—The clothes he bought were not such as one sees Englishmen of condition wearing abroad. They were not ridiculous, but they were ill-made and of very inferior stuff. He had never anything to show for the money he spent. I therefore conclude that he wasted it.

By the Master.—While with me he ate more than he ought to have done. I have seen him tipsy, but I cannot say that he drank to excess. Drink made him sick and dull. His rude and boisterous conduct could not be ascribed to the effects of drink.

MR. FARRAR, REGISTRAR OF THE COURT OF CHANCERY.

Mr. Farrar, examined by Mr. Field.—I am one of the Registrars of the Court of Chancery. I met Mr. Windham at Spa in August, 1859. I saw him at the gaming-table two or three times. He was playing—not paying any attention to the game, but throwing his money about recklessly. I had frequent conversations with him. His talk was idiotic. I gathered from him that he preferred living with a class below his own station in life. I saw him acting as a railway porter at the station. His dress was put on negligently, as if he had come out in a hurry. It was unbuttoned. His conduct was the talk of Spa.

Sir H. Cairns.—There is not much in that. I dare say Spa is sometimes sadly in want of something to talk about. (A laugh.)

Mr. Chambers.—And Mr. Windham was the very man to give it something to talk about. (Laughter.)

The Master.—The newspapers of this morning report with great accuracy certain bursts of laughter which took place yesterday. I hope nothing of the kind will take place again. The inquiry is a very painful one, and I trust that out of respect for public decency, if for no other reason, we shall in future have no such unseemly ebullitions of feeling.

Cross-examined by Sir H. Cairns.—I did not notice what sums Mr. Windham put down on the gaming-table. He staked, I think, two or three pieces at a time. I can state positively that he put down more than a five-franc piece at one time. I have seen him stake three five-franc pieces. I was playing myself. I cannot state the particulars of the conversation I had with him. I can only give the impression his talk produced on me. He talked and acted like a person of unsound mind. He was particularly fond of thrusting himself upon ladies, and at the gaming-table he used to sit with his arms stretched out



W. F. WINDHAM, ESQ.



looking into their faces, instead of attending to the play. I, on the other hand, paid more attention to the play than to the ladies; that was the difference between us. (A laugh.) I cannot say whether when he won money he took it up or not. He told me he liked to be on the railway, and to be with the people who worked the engine. He also told me that he liked to work the engine himself. I do not think I ever saw him on the engine driving. He was a slovenly dresser.

Re-examined by Mr. Chambers.—The ladies into whose faces he gazed at the gaming-table might not have been of a very particular class. It is possible, therefore, that they may not have felt annoyed by his conduct. I have seen him opening the doors of the carriages at the railway station, and acting in all respects like a porter. I regarded him as a person of no mind at all.

MRS. M. A. WILKINSON OF LEAMINGTON.

Mrs. Mary Alicia Wilkinson, examined by Mr. H. Williams, said:—I am a widow, and reside in Leamington. I was residing at Spa between two or three years ago. During my residence there I met with Mr. Windham. It was in 1859. He was staying in the same hotel with me. I had no knowledge of his family, except from hearsay. I saw him every day for more than a fortnight, and several times each day. I had frequent conversations with him. He conducted himself in those conversations like a child. My general object was to improve his manners, and to teach him the difference between truth and falsehood. I took an interest in him, because I considered him to be a person of a weak intellect. He could not control himself in crying, and would seek my assistance to get him out of little scrapes. He used to thank me for my kindness and promised to behave better in future, but he never kept his promise, because he did not know the value of promises. He would cry on every slight occasion. I remonstrated with him about his rude conduct in society. I have observed him at the *table d'hôte*. On one occasion he obliged me to say I would leave the *table d'hôte* unless he would conduct himself as a gentleman. He was indulging in extraordinary laughter, and seemed incapable of controlling it. He was urged to leave the table, and afterwards to leave the hotel. He did not leave because an explanation was given to the company. There was no cause whatever, as far as I am aware, for his laughter on that occasion. I have frequently seen him on other occasions indulging in similar fits of laughter. The explanation made at the *table d'hôte* was, that he was a person incapable of controlling himself. He was unable to speak French, and I had to make the explanation on his behalf. In general society in Spa he conducted himself in so extraordinary a manner that I was obliged to explain to my own personal friends that he could not be held responsible for his acts on account of the weakness of his intellect. At a quadrille party a young lady, to whom I was acting as *chaperone* at the Spa, and to whom I had introduced him as a partner, brought him up to me and told me in his presence that she did not like to leave him in the middle of a dance, but he had threatened to box her ears because she would not dance fast enough to please him. (A laugh.) On another occasion I remonstrated with him about his going to the station and acting as guard. He told me he had gone as a guard to the next station to take charge of some jewels and a pony carriage. I told him that he must not do so again; that it was only on account of his eccentricity that he had been allowed by foreigners to do it. The only reply he made was that he knew how to take charge of a train, and it amused him. I found him to be untruthful.

Cross-examined by Mr. Karlake.—He was perpetually uttering falsehoods—in fact, did not know the difference between truth and untruth. I do not recollect any instance of a direct falsehood, but he was guilty of exaggerations so extraordinary that I did not believe a word he said. He would relate incredible stories with respect to himself. He told me that he had been in the habit of carrying pistols about his person and using them when necessary; that he could drive any kind of carriage or any number of horses; that he was a remarkably brave man, and, in fact, feared nothing. To try him I asked him to drive me, and got a pony carriage for him, but he used the ponies so cruelly that the owner said he would never allow Mr. Windham to drive them again unless I became responsible for their safety. I was not dressed like a widow at Spa. I knew Colonel Bathurst. I had met him in society, and regarded him as a friend. When Mr. Windham misconducted himself at the *table d'hôte* in the way I have described, Colonel Bathurst was not present. If he had been present I should not have interfered or made any explanation to the

company. In passing through the rooms I have put down a five-franc piece on the gaming table. It is customary to do so. I did not play habitually, nor was I a severe loser. I once saw Mr. Windham put down money on the table; it was the evening before he left, when everybody is expected to stake a little. Colonel Bathurst asked me to look after his pupil as much as I could, and I introduced him to all my personal friends. He was very fond of dancing, but very few ladies would dance with him. Colonel Bathurst was always with him at the balls. My maiden name was Horrocks. I am a sister of Mr. Horrocks, who at one time was tutor to Mr. Windham. At Spa Colonel Bathurst told me he intended to give up his charge of Mr. Windham, and asked me whether I knew anybody who would take care of him. I mentioned my brother's name. I returned to England in May last, but have not seen Mr. Windham since he left Spa, in the autumn of 1859. One of the scrapes about which he consulted me was his having been ordered to quit the hotel. I do not recollect any other at the present moment. He told me that he was afraid he would get into a scrape with his travelling tutor, Colonel Bathurst, about his cruelty to the ponies. When I told him at the *table d'hôte* that the company wanted him to leave the room, and translated what one of the waiters said to him in French to that effect, he said "Oh, nonsense; I don't care for anybody; I will do what I like." Eventually he promised to behave better, and upon my interposition he was allowed to remain at the table. Afterwards, however, he brought a note in French to my drawing-room, which proved to be a request from the landlady that he would leave the hotel. I translated it to him, when he begged me to intercede for him, and said he hoped Colonel Bathurst would not hear of it. I explained to the landlady in French that he was *mal timbré*—a person of weak intellect. He often cried in my room, sometimes without any apparent cause. I offered to read to him, but he seemed to be incapable of understanding the simplest subject.

By Mr. Coleridge—I was not acquainted with any member of his family.

Re-examined by Mr. M. Chambers—He talked like a vain, silly child—boasting of his personal achievements and about what he could do. When I rode out with him in the pony carriage he drove in a reckless manner. I told him he was endangering my life, and threatened to speak to Colonel Bathurst. He beat the ponies cruelly about the head. The presence of Colonel Bathurst seemed to act as a restraint upon him. There is no foundation whatever for Mr. Windham, or any one else, saying that I have been in the habit of playing. I have never done more than put a piece down when visiting the rooms with a party of friends. When Colonel Bathurst told me he was going to leave Mr. Windham I wrote to my brother, at Mr. Windham's own earnest request that I should do so. Mr. Windham said he would like to continue under the charge of an officer, and, as my brother at that time held a commission in a militia regiment, I thought he would be a proper person to succeed Colonel Bathurst.

By the Jury—Mr. Windham was very untidy in his dress, and I often refused to admit him to my drawing-room until he had washed his face and combed his hair.

MRS. WINDHAM'S RIGHT TO APPEAR BY COUNSEL AND EXAMINE EVIDENCE.

Before the next witness was called a conversation took place between the Master and Mr. Coleridge as to the right of the latter, as counsel for Mrs. Windham, not only to cross-examine the witnesses and address the jury, but also, if he thought it necessary, to adduce evidence of his own. Mr. Coleridge maintained that the order of the Lords Justices under which he appeared invested him with all the rights and privileges of a party in the case, including the right of calling witnesses, and at the present stage of the inquiry he refused to pledge himself not to exercise that right among the rest. The Master intimated his intention to write to the Lords Justices on the subject, asking them to explain the meaning of their order relative to Mrs. Windham, and directing their attention to the circumstance that it did not contain the words which, in the order issued with respect to the mother of the alleged lunatic, authorised that lady to adduce such evidence as she might think proper to lay before the jury. Mr. Coleridge protested against any consultation with the Lords Justices as to what they meant by their order; but the Master said he would exercise his own discretion in the matter. Later in the day the learned Master intimated to Mr. Coleridge that he had written to the Lords Justices, and had received from them a reply to the effect that, in their opinion, the counsel for the lady alleged to be the wife of Mr. Windham should be allowed both to address the jury and to call witnesses.

MR. E. HORROCKS, MR. W. J. WINDHAM'S CHANCERY TUTOR.

Mr. Edgworth Horrocks examined by Mr. Chambers.—I was formerly a lieutenant in the Lanarkshire Militia, and subsequently held a commission in the Highland Borderers. Mr. Windham was placed under my charge in October or November, 1859, after Colonel Bathurst gave up his tutorship. He remained with me until June, 1860. We went first to Fellbrigg-hall. We were there some months, when we returned to London. I then endeavoured to get him abroad, but he refused, and we went to Folkestone. We afterwards visited Sandgate, St. Leonard's, Ryde, and Shirley, near Southampton. I left him in London. I had ample opportunities of noticing his state of mind, his manners, his habits, and his conduct. The conclusion I came to was that he was a person of unsound mind—that his mind was not in a healthy state. He seemed to be unable to fix his attention upon any subject for more than a few minutes at a time. If I were very severe with him he would read with me for a longer period than usual, but it appeared to be a punishment to him, and he did not understand what he was reading. He would read newspapers. I could not succeed in teaching him anything. I tried to get him to read and spell properly, and I offered to teach him some of the modern languages. My efforts were not successful. He would learn nothing. The more I tried, the more obstinate he became. I could not induce him even to try to learn French or German. At times, but very seldom, he talked reasonably. I found him to be untruthful, and his lies were so palpable that it appeared to me he could not distinguish between truth and falsehood. I could not believe a word he said. I observed his boastful disposition, but do not remember any particular instance of it. At St. Leonard's he told me that he had become of the Roman Catholic faith, and was going to marry a lady of that persuasion. His words were, "I swear to God that I am a Roman Catholic." I had never gone with him to a Roman Catholic chapel. He had told me that he intended to go to one with the young lady; but I am not aware that he went. Upon one occasion, at Fellbrigg, he drove me in a dog-cart to a neighbouring village so as to endanger my life. He drove furiously into the inn yard, and I was jerked out. The shaft of the dog-cart was broken, but I escaped without bodily injury. It was after dinner, but I do not think he had drunk enough to make him tipsy. He was in his usually excited state. On the same day he told persons in Norwich and elsewhere that he had been collecting his rents, and that he had the money in the dog-cart with him, protected by a brace of loaded pistols. There was no foundation for the statement. I remonstrated with him about this, and after I had done speaking he merely said, "So you say," using the Norfolk dialect, which he was in the habit of doing. He was very slovenly in his person and dress. I told the servants to keep his clothes clean, but he liked to go to the farmyard and make them as dirty as possible. Almost every day I had to tell him to go to his room and make himself clean. He would smell very badly. One day I caught him carting manure from the farmyard like a common labourer. There was nobody with him at the time: he was by himself, and when I caught him he was talking to the horse in the Norfolk dialect. He would eat like a brute. He would pull meat about when cutting it in such a horrid manner that at last I said I would not take my meals in the same room with him. He ate a great deal, and was particularly fond of Norfolk puddings. On one occasion I endeavoured to eat one myself, but it was too much for me. (A laugh.) His manners in society were rude and boisterous. His laugh was peculiar and disagreeable, sometimes ending in a sort of squeak. It was not like the laugh of a reasonable being. His conduct attracted attention everywhere. I allowed him on one occasion to go with a party of officers at Shorncliffe. They told me afterwards that his conduct was rude and boisterous, and that they had considerable difficulty in getting him to be quiet. At dinner parties he would attract the attention of everybody, and put a stop to general conversation. He was very cruel to animals. I have frequently seen him ill-use horses. He would beat them savagely with his whip without any adequate cause, and the next moment he might be seen putting his arms round their neck, and kissing them—cuddling them as if they were his children. Sometimes he was extremely kind to his servants; at other times extremely harsh. He was always very noisy and boisterous, running about the house and shouting. He was quiet only when he was asleep, and then he snored. (A laugh.) He slobbered at the mouth when eating. The saliva would run into his plate and over his food; nevertheless, he would

continue eating, which sometimes made me sick. He did not often drink to excess and the only effect which liquor seemed to have upon him was to make him duller and more stupid than usual. After meals he generally fell asleep. He was fond of romping with the female servants, who would treat him like a child. He would often get them to carry him up to bed. He was very vain, and by flattering him I sometimes got him to do what I wished. Whenever he was introduced to a lady he began to make love to her, and in a few weeks, or sometimes days, would make her an offer of marriage. It made no difference whether her character was good or bad. (A laugh.) He was happiest in the lowest company, and used to boast to such persons of his great property and expectations. He also told them that there was a conspiracy on foot to defraud him of his property—for that was an idea which he entertained when I was with him. One day he went into the Shades at St. Leonard's and told the landlady that he had something under his coat—which on that occasion was a military great coat—with which he would kill those who were attempting to take his property from him. At St. Leonard's he rode about in a reckless manner, so as to frighten the ladies. At one time he was very anxious to go into the army. I told him he would have to undergo a very severe examination. He said he thought he could pass in the classics, but he never could do anything with Euclid. I told him in that case he might give up the idea of entering the army. He never mentioned the subject to me afterwards, but he continued telling others that he was going into the Guards. Upon one occasion I told him that if he did not alter his habits and conduct he would be put into a lunatic asylum, and all his property would be taken from him. He began to cry like a child, and said he would become a guard or a porter on a railway, "and so," he added "get my 18s. a-week." I could not control him in any other way than by threats and severity. I was compelled at last to thrash him. He was never quiet for a moment either in or out of the house. I do not think he is capable of managing himself or his property. Unless restrained by a companion constantly at his side he would commit the greatest follies and eccentricities. His intellect is that of a child, but he is not altogether without cunning.

Cross-examined by Mr. Karslake—I am 32 years of age. I was educated partly at the Charterhouse and partly in Germany. I was appointed tutor to Mr. Windham by Vice-Chancellor Wood, but I do not know whether I was discharged by that learned judge. A few weeks after my appointment I boxed Windham's ears, and he flung himself down upon the floor. I was afterwards requested to appear before Vice-Chancellor Wood. I cannot swear whether Mr. Windham did or did not tell Vice-Chancellor Wood that I had struck him. I think he stated that I had threatened to strike him. When asked by Vice-Chancellor Wood what answer I had to make, I said "None," because I wanted to get rid of Mr. Windham, and did not care what he said about me. Mr. Windham could read and write but indifferently. I had not seen Mr. Windham before he was placed in my charge in 1859. We went to Fellbrigg immediately. While there we rode together almost daily. Sometimes we rode to Norwich, and sometimes to the different houses in the neighbourhood. Mr. Windham liked to ride and drive very fast. I like myself to go at a good pace in the country. We did not agree very well. He occasionally pretended to be very fond of me, but my own private opinion is that he hated me thoroughly. (A laugh.) The horse which he drove in the dogcart when I was thrown out was a rather bad-tempered animal. It had been hired in Norwich, and Mr. Windham treated it very savagely. Windham was fond of farming, and I told him the best thing he could do would be to learn it, but not to go among the labourers. There is a Roman Catholic convent at St. Leonard's. I did not find there were people whom he had known at Torquay staying at St. Leonards when we were there. I remember him telling me there was a family at St. Leonard's whom he had seen at Torquay. I told him I had known the same family abroad. One of the members of it, a young lady, spoke to me in the street, and renewed our acquaintance. That young lady was a Roman Catholic, and was the person whom Mr. Windham said he was in love with and wanted to marry. I know that Mr. Windham was frequently in her company. Before leaving London with Mr. Windham, I had a particular conversation with her and her mother, and during that conversation something took place which might justify the observation—"The young lady whom Horrocks knew would very soon shut him up." On the occasion in question she did "shut me up." (A laugh.) Windham swore to me that he had become a Roman Catholic. He did not merely say "I would become a Roman

Catholic to marry that girl." He attended church during the whole time he was with me. He behaved quietly, and seemed to know how to conduct himself in church. We had some shooting at Fellbrigg. Windham amused himself a good deal in that way. He was a very bad shot, and I think we were about on a par in that respect. (A laugh.) He was a very early riser, and took a great deal of outdoor exercise. He was coarse in his language, I sometimes swore at him myself. (A laugh.) He was very aggravating, and upon one or two occasions I could not help using strong language. When I boxed his ears he threw himself down upon the floor, buried his face in a mat, and screamed and yelled at the top of his voice. His mother was in the house at the time. He drank a good deal of Norfolk beer but did not smoke. When I threatened him with a lunatic asylum, I said, "You must take care, for your uncle is coming back from India, and you will be put under restraint if you do not mend your ways." I knew that General Windham had made his nephew a ward in Chancery. I left Mr. Windham on one or two occasions. On one of those occasions I took him to my mother's house, and left him there for a few days. When I returned I found he had gone away. I traced him to Yarmouth. He was very fond of Fellbrigg, and I remember telling him at Folkestone that if we went back to Fellbrigg I should soon die there. I left him for one night at Rhyde. He was a month in the militia at Yarmouth, while I was his tutor.

By Mr. Coleridge.—When I was before the Vice-Chancellor Lady Sophia produced some letters, but I did not see them. I do not remember whether the Vice-Chancellor, after reading those letters, said to Mr. Windham, "I am very glad your mother has allowed me to read these letters, for they show that you have very much improved."

By Mr. C. Russell.—Lady Sophia did not authorise me to box her son's ears.

By the Jury.—I often spoke to Mr. Windham about the events of the day, and he would give me rational answers, but generally he would try to turn everything he read in the newspapers into ridicule.

The inquiry was then adjourned.

FOURTH DAY.—THURSDAY, DEC. 19.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this morning in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell, for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Windham, the alleged lunatic, was present during a portion of the examination of his uncle, Lord Alfred Hervey. He sat beside his counsel, and conducted himself with the utmost propriety and decorum. At some passages of the evidence a faint smile passed over his features, and he occasionally communicated with Mr. Karslake while that gentleman was cross-examining the witness. He appeared to be a young man of considerable physical strength, about the middle-height, of a full habit of body, with an inclination to corpulency. He has a dark complexion, and wears his hair parted down the middle. The defect in his upper lip, to which so many allusions have been made, is partially concealed by a moustache, but it is still plainly visible, exposing some of his teeth.

MR. HORROCKS' EXAMINATION CONTINUED.

Mr. Horrocks, re-examined by Mr. Chambers.—Mr. Windham rode and drove in a furious manner habitually, and not only occasionally. He was also habitually cruel to animals. I do not know whether the horse which he drove when I was pitched out of the dogcart was the ill-tempered animal from Norwich or not. What I wished to convey yesterday was that it might have been that horse; but, whether it was so or not, I am certain that the accident arose from the furious driving of Mr. Windham, and not from the bad temper of the horse. Mr. Windham read the newspapers, but he could talk about nothing he saw in them except prize fights and similar occurrences. Lady Sophia on one occasion showed me a photograph representing her son and two railway porters, as they appeared to me, in a group. They were standing close together. Mr. Windham was in private dress.

Cross-examined by Mr. Karslake—Lady Sophia was laughing when she showed

me the photograph. The two strange men wore a railway uniform, and were either guards or porters. It did not shock me to see Mr. Windham in such a photograph, though I thought it rather eccentric. I have seen a view of the fight between Sayers and Heenan. I cannot say that half of the younger members of the English aristocracy are represented in it. All I know is that it contains none of my acquaintances. (A laugh.) I do not recollect whether I read *Bell's Life* regularly when staying at Fellbrigg-hall.

By the Master—If I were to hear Mr. Windham conversing rationally for a short time that would not alter my opinion as to his mental incapacity. I have seen him behaving himself well enough for a short time. I think I did take in *Bell's Life* at Fellbrigg. Mr. Windham told me he knew Tom Sayers personally, but I never believed anything he said of that kind. He certainly knew nothing about fighting. He seemed to fear and care more about General Windham than anybody else, and took great interest in his uncle's services in the Crimea.

By the Jury—I have seen letters written by him, but do not recollect at this moment whether they were expressed in a coherent manner or not.

THE MARQUIS OF BRISTOL, MR. WINDHAM'S UNCLE.

The Marquis of Bristol, examined by Mr. Chambers—Mr. Windham is my nephew. I am one of the petitioners. I have seen Mr. Windham at different times ever since he was a boy, and I know his general character. When he was about seven or eight years of age Lady Sophia was on a visit to my father's house in Brighton. Her son was with her. She seemed very anxious to keep him in order. When she came down with him to luncheon her constant practice was to carry a little whip in her hand. Young Windham never associated with me. I only saw him occasionally. Shortly after Easter in the present year he called on me at my house in London. I invited him to dine with me. He did so twice. He behaved himself very well on those occasions. He had a foolish way of laughing, and shortly after dinner he fell asleep and snored rather loudly. Otherwise he conducted himself remarkably well for him. In August last I saw him twice riding in Rotten-row. The last time he dined with me I gave him a general invitation to luncheon, in order that, if we had anything to propose to him, we might do so without the trouble of making a special appointment. When I saw him in Rotten-row he had a very remarkable appearance. His face wore an expression of mingled fun and folly. He was riding alone, and had no servant. He seemed to have a childish pleasure at being on horseback in the Park, where there were so many people about, but I also detected an expression bordering on idiocy.

Cross-examined by Mr. Karslake—When I saw him as a boy in Brighton he was not in petticoats. Lady Sophia and he were there for about a fortnight. The late Mr. Windham was not with them. I do not remember whether I saw my nephew between that time and the period of his father's death. I saw him at the funeral. The next time I saw him, to the best of my recollection, was in the spring of the present year. He called on me, as already stated, either in April or May. He dined with me, for the first time, a few days after his visit. It was a small family party—seven or eight. He joined the ladies in the drawing-room after dinner. He left rather early. I do not know what he had been doing before he came. He dined with me again about a fortnight afterwards. The party was the same as on the previous occasion. He went to the drawing-room after dinner. His articulation is very peculiar, so is his laugh. I think I observed a defect in his upper lip. There was something foolish in his expression when speaking or laughing. He did not act upon the general invitation I gave him. I never saw him to speak to again, nor did I ever afterwards send him an invitation to dinner. When I met him in the Park I was accompanied by other persons, and he passed me alone. We were both on horseback, and recognised each other, going in opposite directions. He did not turn back and join me. Once or twice during the summer I saw him driving a phaeton about town. He was driving himself.

By Mr. Coleridge—I received a note from General Windham acquainting me with his intention to proceed in this matter, and requesting me to consult with my brothers on the subject, and let him know the result. That was a few weeks ago. I am not personally acquainted with Mr. Gimbilei, my sister's second husband. I have seen Lady Sophia since her second marriage, but I think only once to speak to her.

Re-examined by Mr. Chambers—I did not know my sister was going to be

married to Signor Giubilei. I am not aware that when the marriage took place Signor Giubilei was twenty-five years of age, and Lady Sophia about forty-five. After I had made inquiries and obtained information I concurred in this petition, but not before. There can be no doubt that the formation of my nephew's mouth must have something to do with his expression, but the impression which his conversation and laugh made upon me was that he is not a very wise person. The present proceedings have my entire sanction.

By the Jury—When my nephew dined with me he entered into general conversation, and, as far I recollect, talked rationally. There was nothing in his conversation to attract the notice of the servants waiting at dinner.

LORD ALFRED HERVEY, UNCLE TO MR. WINDHAM.

Lord Alfred Hervey, examined by Mr. Chambers :—I am an uncle of Mr. Windham, and one of his guardians. I have known him from his birth. Before he went to Eton I recollect his being one day at luncheon at Lord Bristol's, St. James's-square. Lady Alfred was present. He wanted some tart, and, instead of using a knife or spoon, he thrust his hand into the dish and pulled away crust and fruit together. (A laugh.) I did not see the occurrence, but he was remonstrated with about it by Lady Sophia, his mother, in my presence. Lady Alfred told him he should have no tart, whereupon he seized a carving knife and rushed at her. He ran after her, brandishing the knife. I took up the hearth-broom and hit him on the legs, not a very hard blow, upon which he dropped the knife, began yelling, and ran out of the room. Lady Alfred was exceedingly alarmed. My impression was that he wanted to strike her with the knife. I was at his father's funeral. He was present. Before the funeral complaints were made to me of his odd conduct. He was showing all the tenants into the room where the coffin was and making himself very conspicuous. At the funeral I thought his conduct very peculiar. In the church, if I had not seen him, but only heard him, I should have said he was very much overcome by grief. He cried very loudly, but instead of trying to hide his face, he stared about him all the time. He was about fourteen years of age at that period. When I became one of his guardians, which was in 1848, he was allowed money from time to time, but he never seemed to have a sixpence in his pocket. His monthly allowance—£5—would be all spent in the first day or so, and he never could give any account of what he had done with it. About May, 1858, I remember him staying at Lord Bristol's, in St. James's-square. At dinner he behaved himself with perfect propriety for him—so much so, indeed, that he gave me hopes that he was improving; but immediately we left the dining-room he disappeared instead of joining the ladies in the drawing-room. He did the same thing for two or three days running, and we could not discover how he disposed of himself. At last I returned to the dining-room after dinner, and there I found him with my father's footman. He had his jacket off and his shirt-sleeves tucked up quite high, and was helping to clear the things away. (A laugh.) I never saw him washing up the dishes. I immediately called him out of the room, and was very angry with him. He did not seem to see any impropriety in what he had done. From his earliest years he was in the constant habit of telling falsehoods. His untruths were always transparent, and often without an object. He gave one an impression that he was unable to distinguish between truth and falsehood. He always cried on very slight occasions. At Torquay, when he was 17 years of age, it was deemed prudent to vaccinate, for the second time, every person in the house. He cried like a child the whole morning, and we had the greatest difficulty in inducing him to submit to the operation. We were compelled to threaten him. He cried like a boy of five or six when Vice-Chancellor Wood proposed that he should be taken abroad. He never used a pocket-handkerchief, but wiped the tears away with the back of his hand. His laugh is a silly, foolish laugh, and is often without apparent cause. The saliva runs from his mouth and he never does anything to stop it. He is not amenable to any influence except that of fear. In my conversations with him he was generally rational. Indeed, while talking on common subjects, nobody not intimately acquainted with him would be struck by anything peculiar in his manner or conversation. I have never seen an irrational letter from him—that is, a letter showing that his intellect is deficient. He would come to my brother's house and behave something like a gentleman, but immediately after dinner he would go away somewhere else and conduct himself in the most outrageous

manner. When it was proposed that he should go abroad he had an idea that General Windham was urging the Vice-Chancellor and myself to get him out of the way by poison or otherwise, in order that his uncle might obtain possession of the estates. I attempted to disabuse his mind, but in vain. He was always on his better behaviour with me, for I was strict with him, and he was afraid of me. When I became his guardian there was something very peculiar in his whole composition. He was not open to the same influences as other boys. He had no idea of the value or the use of money. I believe him to be totally incapable of managing his property. His general habits and conduct are such that, if not placed under restraint of some kind or other, his life will be shortened.

Cross-examined by Mr. Karslake—My opinion of him is formed, partly upon my knowledge of him, and partly upon the affidavits submitted to the Court of Chancery. I do not believe that every person who has a habit which tends to shorten life should be placed under control. I think my nephew is able to converse about common topics—the weather, the members of his family, and so forth—for a few hours without exposing himself. There are many people in the world whose tastes are few, and who do not care for book-learning. I have never shot with my nephew, and I have ridden with him only once. I never heard him discuss a matter of business with his tenants or his servants. To my own knowledge he has been extremely peculiar from his childhood, incapable of application, restless, utterly unconscious of the difference between truth and falsehood, and apparently not amenable to any influence except that of fear, especially of late years. When out driving with him I have seen him change his seat from one side of the carriage to the other more than a dozen times. I cannot say that I was stern with him. I concurred in the proposal of Vice-Chancellor Wood that he should go abroad, and was vexed by his refusal. I believe he is very fond of Fellbrigg. It is possible that I wrote to Mr. Horrocks, saying that if my nephew did not go abroad he should not be allowed to stay at Fellbrigg. I told him that if he persisted in going against the wishes of the Vice-Chancellor he would be sent to a tutor in some distant part of England, and be kept there until he came of age. He told me that he wished to join a militia regiment, in which he had a commission, and that it might be embodied, so that he might go to Canada or elsewhere. He did not complain to me that his allowance was not sufficient to enable him to keep up his appearance among the other officers. I was not likely to hear of that. There can be no doubt that he was a spoilt child, and was badly educated. His father was a passionate man. His mother has always petted him. A stricter management might have been more successful. When my nephew dined at Lord Bristol's and helped to clear the table, I am not aware that there was a footman in the house who had been brought up at Fellbrigg. I do not know that he was allowed, when at home, to go among the servants and do what he pleased. General Windham and his children would come into the property if my nephew were to die without direct heirs. My nephew was in the habit, after he had spent his allowance, of borrowing from other persons. I have no doubt he has asked that his allowance should be increased, but he never acknowledged having borrowed, or stated that he wanted an increased allowance that he might not be compelled to borrow. His articulation is peculiar, especially when he is excited; and there is a defect in his upper lip. I do not know how old he was when he ran after Lady Alfred with a knife. He was not in petticoats.

By Mr. Coleridge.—I first became aware of these proceedings against my nephew in October last. The communication was made to me by General Windham.

By Mr. C. Russell—From 1854, up to the time of his coming of age, my nephew was occasionally with Lady Sophia, but he was chiefly under the government of his tutors.

Re-examined by Mr. Chambers—I never could get any account from him of the way in which he spent his money. There was no reason why he should conceal his expenditure, except, indeed, that he might not like to tell me how he squandered his money in low public-houses and such like places. He was continually telling me untruths. He was exceedingly restless, as if he had no way of occupying his mind. Lady Sophia often said to me that she was unable to manage him, and asked me to assist her.

By the Jury—General Windham has invariably treated him with great kindness. His parents were very fond of him, and he was too much indulged.

MR. PEATFIELD, TRAVELLING TUTOR TO MR. WINDHAM.

Mr. Peatfield, examined by Mr. Field—I am a graduate of Cambridge, and now occupy the position of a private tutor in St. Petersburg. I was appointed tutor and companion to Mr. Windham in June, 1860. I travelled with him in Scotland and Ireland. We subsequently visited the Channel Islands. We passed several months at Fellbrigg-hall. In consequence of something which took place there I brought him to London in May last. He took rooms for himself at Mrs. Lewellin's, Duke-street, St. James's. According to directions received from his guardians, I joined him in Duke-street, and remained with him until the 10th or 12th of August. While in Edinburgh we lodged in a private house in Hope-street, Charlotte-square. We staid there for about a week. His conduct was noisy and boisterous. Complaints were made to me by the landlady that the neighbours had been annoyed by his opening the windows and shouting and shrieking at the top of his voice. Complaints were also made of his irrational conduct generally. I remonstrated with him, but in vain. I saw him myself jumping about the room and heard his loud shouts and yells. The landlady asked us to leave. We did so. We then went to Mrs. England's, in Castle-street. His conduct there was the same as in Hope-street. I spoke to him about making a noise in his bedroom. He was caterwauling in the middle of the night. (A laugh.) He said, "Well, governor, if Tom cat will have his sweetheart on the leads, I can't help it." (A laugh.) I had to go to his room twice on that particular occasion. Mrs. England complained to me of his conduct, and in a day or two afterwards we were obliged to leave Castle-street also. We then proceeded to different parts of Scotland. He behaved in the streets in a way I can scarcely describe. He would hiss, spit, shout, scream, laugh, roar out foolish remarks, such as, "You're a duffer," and "I'm all there when I'm wanted" (a laugh), finishing up with what he called, "chaffing the bobbies," meaning the policemen. (A laugh.) He would imitate cocks and cats, the latter especially, and jump about violently. All this would be mixed up with snatches of negro songs, such as,—

"I'm off to Charlestown

"So early in the morning ;"

or,—

"We're all off to Dixie's Land."

(A laugh.) He never went further—a line or two at the top of his voice, and then off to something else. These things occurred in the streets of Edinburgh and other towns. On one occasion at Ballater he almost surpassed himself before the hotel door. He attracted great attention in Edinburgh, where we were followed by crowds. He went through the same performances in Ireland. The landlord of the inn in Kildare complained of his conduct. He was singing in a very loud voice snatches of songs which he had heard in the theatre at Edinburgh during the performance of a burlesque, called, I think, "Fra Diavolo," at the same time dancing in a very violent manner, and altogether making a great noise. On some of these occasions I have seen his mouth positively in a state of froth. Sometimes he would, to a certain extent, be under the influence of liquor; at others not. I should say that liquor had an exciting effect upon him. He drank malt liquor and wine—very little whisky. Upon the whole, however, he drank very little when with me. He was subject to violent fits of passion. His face would flush, and he would use the grossest language. He would break into these passions without apparently any cause, and while the fit lasted he seemed unable to control himself. I was induced to leave Fellbrigg by certain occurrences. I told Windham that he must prepare to go to London. He asked "What for?" I replied, "I shall not enter into a discussion with you; you know very well what you have been doing, and you must come to London with me." He then said, "You may go to — if you like; I won't go with you." Eventually he was persuaded to accompany me to London. While at Fellbrigg he drove me about frequently. His manner of driving was furious. At church he sometimes behaved well, but sometimes he would attract my attention and annoy me. He often cried out "silence" to the children by way of showing his authority. On one occasion, immediately upon entering the church door, he exclaimed, "It's a — fine thing," hurried up the aisle in a blustering manner, and slammed the pew door so as to make a loud noise. In the Channel Islands his conduct was nearly as bad as his conduct in Scotland. While lodging in Duke-street, St. James's, I was requested by his guardians to let him be his own master. On many occasions he behaved in a terrible manner—shouting, swearing, jumping about, opening the windows, and

yelling into the streets. He ate with great voracity. I have seen him choke from his mode of eating, and he has told me he has been sick. He invited me to dinner on a certain occasion, saying that General and Mrs. Windham were coming, but nobody came. I do not think he had any idea of religion. In my opinion, he is not capable of governing himself or his affairs. I do not think his mind is sound.

Cross-examined by Mr. Karslake.—My definition of a sound mind is a mind which will cause a man to act in a rational manner. I was told to come from St. Petersburg on last Sunday fortnight. It was General Windham who communicated with me. I first met the General when his nephew and I came to London to join him on his arrival from India. I went to the Lewellins' a day or two after Mr. Windham took lodgings there. I engaged a bedroom for myself, and we used the same sitting-room. His conduct there was not more boisterous than I had seen it before. I was appointed as his travelling tutor. I have read very hard at times. My set at Cambridge was not a noisy set. I have never followed the hounds in my life. If I have heard the Ethiopian Serenaders, it must have been when I was at school. The noise which Mr. Windham made was not intended to represent the cry of men in the hunting field. When I said that he liked to "chaff the bobbies" I used his own language. I do not think I ever heard the term before. (A laugh.) He could imitate cats very well. (A laugh.) He took a great delight in "Fra Diavolo" and we saw it several times when in Edinburgh. The passage which he was so fond of repeating, and which caused the row in Kildare, was not a song, but rather burlesque lines. It ran in this way:—

" A haughty ruffian sure I am
A dab at the stiletto ;
If any one disputes my law,
Or says that I aint pleasin' ,"—

here there is a line which I forget, but the whole winds up with

" Pop goes his weasand."

(A laugh.) The "haughty ruffian" danced on the stage, and at Kildare Mr. Windham danced too, out-heroding Herod. (A laugh.) We generally took our meals together. There was usually wine on the table at dinner. He took as many glasses as he pleased. He was very fond of beer. The performance at Ballatar took place after dinner. At Fellbrigg he drove almost every day. He was an early riser, and spent a great deal of time in the open air. I cannot say that his tastes were all for outdoor exercises and amusements. His taste after dinner was generally for dancing on the billiard-table. (A laugh.) When he swore in church he was angry with the clergyman for having commenced the service before his arrival. The church stands in the middle of the park, and Mr. Windham is the owner of almost all the property in the parish. Sometimes he spoke to the children when they were making only a very slight noise, and when there was no necessity for his interference. The occurrence which induced me to take him away from Fellbrigg was his having been fighting with a showman. That offence, however, was only one of many which he had committed. He called me a "spy" and a "sneak," and hardly opened his lips to me all the way to London. From the time he went to Lewellin's he cast off his allegiance to me, but I am not aware that he made noises and did everything he could to get rid of me. He continued the noises, although I complained that they annoyed me. I did not go to the Lewellins' for the sole purpose of watching him. One of my objects was to try to induce him to read. He used to read the newspapers, especially at Fellbrigg-hall, and he would occasionally make a comment upon their contents. When I went to the Lewellins' I was told to keep my eye on him. My duty was to see how he was getting on, and to endeavour to get him to read. I asked him to read once, but once only. I did not make it my business every morning to ask the people belonging to the house at what hour and in what condition he had come home the night before. It is very probable that I made such inquiries frequently, but not every morning. I saw General Windham five or six times during my residence in Duke-street. I was not in the habit of reporting to him or to Mr. Hooke what Mr. Windham was doing, though I may have spoken to them on the subject. I left the lodgings, I think, on the 12th of August. Mr. Windham had come of age on the 9th. I am not aware that the Lewellins are old friends of General Windham. I do not think I ever said to Mr. Martins, at Fellbrigg-hall, that Mr. Windham had plenty of ability if he chose to apply himself. I may have said that he had plenty of brains if he chose to apply himself.

By the Jury.—I have played whist with Mr. Windham, but only once. I do not recollect any revokes, but he followed suit.

Re-examined by Mr. Chambers.—In some things—railway times, for example—Mr. Windham showed a wonderful memory. The whole time I was with him I felt myself in some degree of peril. He wasted his money. I have seen him act rationally, but his conduct generally is irrational, and I am still of opinion that his mind is unsound. When I went to the Lewellin's, General Windham requested me to try to induce his nephew to read, with a view to his obtaining a commission in the army. There is not the slightest foundation for the statement that he made his extraordinary noises at Lewellin's for the purpose of driving me away.

By the Jury.—While travelling I paid the bills. He took an interest in the expenditure, and understood fully that the money was coming from his own estate. He always said he liked me.

The inquiry was then adjourned.

FIFTH DAY—FRIDAY, DEC. 20.

The adjourned inquiry into the state of mind of Mr. W. F. Windham of Fellbrigg-hall, Norfolk, was resumed in the Court of Exchequer, Westminster, this day, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners; Mr. Charles Russell, for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Windham, the alleged lunatic, was again present during the greater part of the afternoon. He paid close attention to the evidence.

MR. PARTRIDGE, A VISITING FRIEND.

Mr. Partridge, examined by Mr. Field.—I am a B.A., and graduate in medicine of Cambridge. I now reside in Edinburgh. In June last I was residing in London. At that time I was intimate with Mr. Peatfield, who was tutor to Mr. Windham. Mr. Peatfield was then lodging at Mr. Lewellin's, Duke-street, St. James's, I frequently visited him, and on those visits I saw Mr. Windham, and had many opportunities of conversing with him. He laughed in a very peculiar manner and slavered at the mouth. On two occasions he threw up the window and shrieked out of it; it was not a single shriek but two or three continuous shrieks. There was no cause for his shrieking. He seemed to act on a sudden impulse: The window did not open into the street but into a yard, and I am not aware that his shrieking attracted attention. There were windows belonging to the same house opposite. After shrieking he returned to table. He assigned no reason for getting up and acting so. We had no conversation about the shrieking, but we talked to him upon other subjects. He conversed coherently. I did not observe anything very remarkable in his talk. While eating he bent his head very much over the table, and made a great noise in chewing and swallowing. He used to help himself to a very great quantity. He took me out on one occasion in a mail phaeton with one horse. He drove in a very impetuous, reckless way. We went to Sydenham, and I visited the Crystal Palace with him. He got into conversation with a policeman there. He stood in a conspicuous part of the Palace, and his speaking to a policeman in such a place seemed to attract a good deal of attention. He had told his groom to meet him at the Palace door at a certain hour, but the groom failed at the appointed time. He swore very violently when the latter came up, and foamed at the mouth. I returned to town with him in the phaeton. He drove back in the same reckless way. I thought from his general behaviour that his condition was one of imbecility.

Cross-examined by Sir H. Cairns.—I consider a condition of imbecility to be indicated by a peculiar laugh, sudden fits of passion without cause, a slovenly habit of dress, a great desire to attract attention, and a vacancy in the expression of the features. Mr. Peatfield was not with us at the Crystal Palace. When I say that Mr. Windham desired to attract attention, I refer to his standing with a policeman in a conspicuous position in the Palace. It was in the centre of the transept, where the greatest number of people were assembled. He stood with his hands behind his back and his head stooping. His attitude was peculiar. I do not recollect at what hour he had appointed the groom to meet him. The groom did not come, and I went to the stables to find him. Mr. Windham had told him to go to certain

stables. There was no room there, and he had gone to other stables, where I found him. I had not been more than half-an-hour away when I returned to the Palace with the phaeton. I do not remember whether Mr. Windham told me he had an engagement that afternoon in town and was afraid he should be too late. He swore at the groom, but I do not remember the precise oaths he used. He drove very fast. Two or three times we nearly came into collision with carriages in the road. No collision actually took place. I never rode in a mail phaeton before. I am not in the habit of driving. My visits to Duke-street were usually at luncheon time. I went at the invitation of Mr. Peatfield. There were only the three of us present. I did not ask Mr. Windham what he was shrieking about. I do not know where the kitchen was, or whether he was making a noise to attract the attention of the servants. We had wine at lunch—champagne and sherry—and we all drank. Mr. Lewellin joined us occasionally and partook of the wine; but I never saw him take more than two glasses. He very seldom sat down at table. He generally waited. I have heard he is a wine merchant. I do not know whether he supplied the champagne.

Re-examined by Mr. Chambers.—Mr. Windham alarmed me by the rapidity of his driving. He did not appear to me to be calling to the servants when he threw up the window and shrieked out. He attracted the attention of the people in the Crystal Palace. All who passed him turned round and looked at him.

By the Jury.—Mr. Windham never started a conversation with me.

MRS. ENGLAND, MR. WINDHAM'S EDINBURGH LANDLADY.

Mrs. England, examined by Mr. Field—I am a widow, living in Castle-street, Edinburgh. I recollect Mr. Peatfield and Mr. Windham coming to my house in July, 1860. They took lodgings with me. Mr. Windham behaved in such a strange manner—jumping about and dancing in his room—that I thought he was not in his right mind, and I told my husband so. He opened his portmanteau and threw all his things about his bedroom, which he left in a perfect litter. That was the first day he was in my house. I noticed him at his meals. I waited on him, contrary to my usual practice, in consequence of what I had seen him doing. The morning after he came I saw him at breakfast. He was eating and foaming about the mouth in such a way that really I was frightened at him. Mr. Peatfield asked him what he would have for dinner. He would not tell, but laughed and jumped about the room. His laugh was not like the laugh of any human being I ever saw. At dinner he behaved in the same manner. He was with me a fortnight, and his conduct was the same all through. He laughed and jumped about the whole day. On one occasion he opened the window, almost threw himself out of it, and laughed and screamed in his usual way, attracting the attention of the people in the street. The noise he made was a roaring or a howling. He made a great deal of noise almost every night. Sometimes he cried like a cat. I was at last obliged to turn him off, for I could not put up with him any longer. My opinion was whenever I saw the gentleman that he was not in his right mind.

Cross-examined by Mr. Karslake.—I formed that opinion the first moment I saw him, and I have not changed it since. I have kept lodgings about six years, and the people who lodge with me are very quiet people. Mr. Peatfield and Mr. Windham took their meals regularly. When Mr. Windham was asked what he would have for dinner, I dare say he said, "I don't care a rap." I did not laugh at him; I was frightened at him. At times during the fortnight I may have smiled at his antics, but I did not laugh until I was like to die. I have heard him sing—

"I'm off to Charleston

So early in the morning,"

and recite the lines commencing with—

"A haughty ruffian sure am I."

But I did not laugh on those occasions—far from it. (A laugh.) Mr. Peatfield and he were occasionally out late at night, and I complained to Mr. Peatfield on the subject. I told him that he must leave the house if they did not keep better hours; but the noise was my principal objection. They sometimes did not go to bed until three or four o'clock in the morning, and noises were made when Mr. Peatfield was in the room as well as when Mr. Windham was alone. I generally go to bed between eleven and twelve o'clock, but when they were with me I had to sit up much later.

Re-examined by Mr. Chambers.—It was Mr. Windham who made the noises I have described. He used to leave his bedroom in the middle of the night, and make noises in the sitting-room. These noises annoyed me very much. I have heard Mr. Peatfield remonstrating with him and asking him to be quiet. He would be quiet for a few minutes, and then go on again. I do not think Mr. Peatfield had any influence over him—not, at least, for any length of time. Mr. Windham not only caterwauled like a cat, but howled like a dog, and continued doing so during the whole time he was in my house. My chief object in wishing them to leave was to get rid of the dreadful noises. Mr. Peatfield conducted himself with perfect propriety, but Mr. Windham was very unlike any other lodger I have ever had.

By the Jury.—I should not have cared how late they sat in their own room if there had been no noise. They seemed to be on very good terms.

MRS. LEWELLIN—MR. WINDHAM'S LONDON LANDLADY.

Mrs. Lewellin, examined by Mr. Chambers.—I and my husband live at No. 35, Duke-street, St. James's. My husband is a wine importer and agent. His office is in Duke-street, but he has business at the docks. In May last Mr. Windham came to lodge with me. A person named Skelton, living on the opposite side of the way, asked me to accommodate a gentleman with apartments during the races at Epsom. I had not then seen General Windham, who had nothing to do with his nephew coming to my house. I learnt from Mrs. Skelton that old Mr. Windham had formerly lodged with her. With the exception of certain intervals, young Mr. Windham lodged with me up to the 29th of August. I had, therefore, full opportunities of noticing his conduct, habits, and manners. I formed the opinion that he was not in his right mind. He had a bedroom and a sitting-room at my house. The first day he was alone, but afterwards his tutor, Mr. Peatfield, had another room. Mr. Windham was dirty in his habits, and would not wash himself. My husband used to put him into a bath in a room on the ground floor. His hands and face were frequently very dirty. At times, when he has been in the bath, I have known him jump out of it and run as far as the dining-room door without any clothes on, perfectly naked. The dining-room door is quite close to the street door. While running along the passage he made a very peculiar noise—catcalling and howling. There were three female servants in the house, but when this happened they were upstairs in the bedrooms. My husband generally got him into the bathroom again. Upon one occasion, at the latter end of June, I spoke to him about coming out of the bath in the way I have described. I told him I would not allow such conduct in the house, and would insist on Mr. Lewellin sending him away. I also told him I would report his conduct to General Windham. Upon that he used very bad language, as he had done on several previous occasions, and, taking up a very large carving-knife, said he would rip me up. (A laugh.) There was nobody present except ourselves, but Mr. Lewellin was close at hand. His exact words were, "If you dare to dictate to me I will rip up your ———." I left the room as soon as I could. I have seen him take money from his pocket and throw it about in a reckless manner, as if he did not know the use of it. On one occasion he gave his money to Mr. Lewellin, saying, "Here, Bob Ridley, you take this." My husband took it, and locked it up in a separate cash-box. I was present on another occasion when he asked my husband for some money. He said "Old Bob Ridley, lend me a sovereign." My husband told him he had £30 of his. His reply was, "All right, Bob Ridley." He used to buy a good deal of jewellery, but he generally lost it. He was in the habit of eating with the carving knife and fork instead of those which had been laid for him, and never took a meal without beating the time of "Old Bob Ridley" several times on the table. He ate a great quantity in very large pieces, and while eating would draw the knife across his throat, as if he were cutting it, at the same time making a gurgling noise. I have seen him eat at luncheon until he has been sick over the table. While playing "Old Bob Ridley" his face had an idiotic expression. He would cut a leg of mutton into slices and throw the pieces upon the cloth. He generally breakfasted at half past nine or ten and would spend two hours over the meal. His favourite dish was poached eggs, of which he consumed a large number. I never knew him take less than eight. The largest number I ever saw him eat was 12. During breakfast he would run into the passage, throw open a window, and make his peculiar noise. He did not dine at home very often, but he invariably ordered dinner. When he dined at home he ate in the same ravenous manner as at luncheon, though not to the same extent, and

with the ends of his knife and fork beat the same tune of "Old Bob Ridley" on the table. He called almost everybody by the name of "Old Bob Ridley." I always got dinner for him when he ordered it. Sometimes he came home at 7, sometimes at 9 or 10, sometimes he staid out all night. I have spoken to him about ordering dinner and not coming home for it. His reply usually was, "I forgot it." On four or five occasions he ordered dinner for a party of guests, but nobody came. He told me on one of those occasions that he had invited General and Mrs. Windham, Mr. and Mrs. Baring, Colonel Broughton, and Mr. Peatfield. At another time he said he expected Lady Sophia and Mr. Giubilei. Mr. Windham did not come home to receive the guests. On one occasion he returned about nine o'clock. I said to him, "Mr. Windham, nobody has come to dinner." His reply was, "Never mind, Bob"—he always called me Bob—(a laugh)—"I forgot; let us have dinner. Where is Old Bob Ridley?"—meaning my husband. We sat down with him. He started up in 10 minutes, rushed out, called a cab, and went away to the Eastern Counties Railway. I do not believe he ever told me the truth during the whole time he was in the house—not even on the most trivial occasion. I feel confident he did not know the difference between truth and falsehood. The luncheon time was between half-past two and three, but if he came in at one he would say that he had ordered luncheon to be on the table at that hour, and would stamp and swear and put himself into a violent passion. When he has said he had ordered luncheon at one o'clock I have sometimes contradicted him, but it was better not to do so. He would call me "old hog," "old —," and other names of that description. One day he took me down to the kitchen, and said he was willing to put his hand and arm into the fire if I would do the same. (A laugh.) He was very fond of running down to the kitchen and making a noise. I have seen him sitting on the kitchen table with the ring of a toasting-fork up to his eye, like an eye-glass. On that occasion he called himself "Agnes." He moved about on the edge of the table as if he were riding like a woman on horseback. He cried out, "My dearly beloved Agnes—Agnes," and pretended to be riding in the Park. (A laugh.) He once or twice complained of having lost money. He was out at nights a great deal. I recollect his coming home one morning with only one sock on. He was very dirty, covered with soot and dirt, and told me he had been driving an engine. One of his feet was cut, and he said it had been done with a woodman's knife. He was very ill, and I sent for a doctor. He was as black as a sweep, his clothes were all unbuttoned, his shirt was open at the breast, and he was without a cravat or collar. I never saw him in such a state. He had been absent five days or a week. He came back, I think, on the 27th of August, about the middle of the day. He told me he had been down at Norwich. Mr. Lewellin put him into a hot bath, and then got him to bed. He came home in Agnes Willoughby's carriage. I knew it was Agnes Willoughby's carriage, because it used to come to the door and take him out; and, in fact, he told me it was her carriage. I have seen him sick from over-eating more than once. On one occasion he vomited his dinner into my lap. (A laugh.) He used his bed like a child, and I have often found it in a filthy state. Upon one occasion, when I entered his bedroom, he threw off the bedclothes and exposed himself. He did that first in July, but he repeated it once or twice in August. I threatened to speak to Mr. Lewellin. He said: "Don't do that; don't get me into a row; it won't happen again." Upon one of these occasions he said: "I will horsewhip Old Bob Ridley." When he came home in the state I have described, he told me he had breakfasted off pickled cabbage, had eaten a great quantity of it, and was afraid it would kill him. He said Agnes had given him the pickled cabbage, but I think that was a mistake. He was very restless—always on the fidget, and scratching himself in a nervous manner. He was always going to the door and following the servants, as if he were afraid of something coming upon him. He was never quiet—constantly screaming and shouting, night and day. It was an indescribable noise. He was subject to violent fits of passion without cause, and when in a rage used the grossest language, foaming at the mouth. After the excitement was over he would cry like a bellowing, noisy child, and never used a pocket-handkerchief, but wiped the tears away with the back of his hand. He snored very loudly when asleep. I found the best mode of dealing with him was to flatter him, telling him he was a very handsome young man, a man of great promise and strength. When I praised him thus he seemed pleased, laughed in a silly sort of way, and strutted about. At table sometimes he said he would be a very great man, an influential man, a county magistrate, and a Member



MRS. W. F. WINDHAM.—FROM A PHOTOGRAPH BY MAYER BROTHERS, REGENT-STREET.

of Parliament. By way of showing his superiority he drank his beer out of a larger glass than was used by any other person at table. It was a soda-water glass. Sometimes he requested me to call him Captain Windham; at others he said, "I shall thank you to address me as 'My lord.'" He told me that when he came of age he would make great improvements on his estate, and get rid of many of the old tenants. He was fond of being with the police, and said that as he would one day be a county magistrate he might learn a good deal from them. He also told me he meant to have a railway from Cromer to Fellbrigg. He would have it, he said, almost up to his own park gates. He told me he knew all about the railways in his own neighbourhood, and used to drive the engine. He said he was particularly fond of the guards, and was always with them. He had a guard's uniform, with ticket-bag, whistle, belt, and pouch for a watch. Occasionally he went out in this dress, and would be absent for some days. He made no disguise on his return that he had been driving the train. He sometimes talked to me about Agnes Willoughby. I had heard of her character. I think he met her at Ascot. At first he spoke of her as he did of other persons of light character whom he had got acquainted with in the park. Some time afterwards it was reported he was going to marry her. On the morning of the 28th of August, the day before he left my house, I had some conversation with him on the subject. I said it was a shocking thing for him to marry such a person, to which he replied, "I never intend to marry her, nor any such ——. I have had all I want of her, and she may stay on with Jack ——" He told me on a former occasion that Agnes Willoughby had informed him that she was a very respectable person; that her father was a clergyman named Rogers; that he had left her by will £600 a-year, and also money to bring up two younger sisters; and that Mr. Lewellin could go down to Doctors'-commons, see the will, and so test the accuracy of her statement. She had further told him, he said, that she had been seduced by Lord Willoughby, and that that was the only wrong act she had ever committed.

Mr. Chambers.—It may be as well to state that there is not the slightest foundation for this statement.

Witness continued.—I told him that I had heard from my husband that she was a very bad girl, to which he replied that he was the only gentleman besides Jack — who had been intimate with her. (A laugh.) I also told him that I had heard he was going to settle his property upon her. He said it was utterly false—"a pack of lies." He left my house on the 29th of August. I was not aware he was going away. He did not tell me he was going to be married. I left town on the morning of the 29th, but before I went away I had a long conversation with him. He assured me he had no intention of marrying; he said, "Is it likely, when I have taken your rooms for 12 months?" I have seen him once since he left me. He came to supper at my house about five weeks ago. I thought him worse than ever. He cried quietly, but seemed more silly and more stupefied. He expressed his regret at his marriage. I introduced the subject. I said, "How could you run away and behave in the manner you have done?" He replied, "I was drawn into it; say nothing more about it." He was with us about an hour. He was much more subdued, more melancholy, and seemed not to have strength to make his usual noises. While with me I regarded him as a person of unsound mind, incapable of managing himself or his affairs.

Cross-examined by Mr. Karlake—My husband sells wine. I have not the least idea what sum Mr. Windham has paid my husband for wines from first to last. I thought from the first that Mr. Windham was incompetent, and yet I allowed him to engage my rooms for twelve months. Mr. Windham had a setting-room, a bedroom, and a lumber-room. His bedroom was changed. When he became rather riotous we gave him a room at the back of the house. He slept there three nights, and then went back again to his original room. When Mr. Windham came I had a sister staying with me. Her name is Eliza Sophia. She is more than twenty years of age. In the early part of June I sent her to school, with the view of qualifying her for a governess. I saw General Windham for the first time about a month or six weeks after his nephew came to my house. My husband had known old Mr. Windham, but I never heard him speak of the General. The General came to remonstrate with his nephew about his keeping company with the police. I heard the General say, "I will not allow you to keep low company. I have given you the reins three months before your coming of age, and I trust you will behave like a gentleman." I have seen the General a dozen

times since. I saw him three times between the day when Mr. Windham left my house and the day on which I went to Mr. Field's office to make an affidavit. My sister accompanied me to Mr. Field's. She offered to make an affidavit for General Windham, but Mr. Field, after hearing her statement, said it was so like mine that it would be unnecessary to put it down in writing. General Windham was present. He did not say, when I had finished my statement, "I am glad you have put it that way." When we left Mr. Field's office my sister did not say to me, "How came you to make such false statements as those?" nor did I reply, "I have given him it pretty strong, and his lady-love too." She merely said to me, "What terrible things you have had to say! I am glad they did not want poor little me." My husband and I swore to a joint affidavit.

Here the learned Counsel handed up two letters to the witness and asked her to read them carefully. After she had done so, she said they were letters which she had addressed—one on the 30th of October and the other on the 20th of November last—to her sister Eliza Sophia, who had been the destroyer of her happiness. They had no reference, she added, to the present inquiry, but related to family matters of a very painful and distressing character, and she begged that she might not be questioned respecting them. Nevertheless, Mr. Karslake proceeded to interrogate her with respect to the meaning and application of certain expressions contained in them, but as those expressions, consisting of only a few words, could not be made intelligible to the Court and jury without a previous acquaintance with the context, it was at last resolved that at least one of the letters should be read. Accordingly, the witness was requested to read the letter dated the 20th of November, and she did so with visible reluctance. The greater part of the letter was devoted to a strictly private affair, and one, too, of a remarkably delicate nature, but towards the close the following passage, which probably relates to the present case, occurred:—"I hope the report is correct about young W.'s woman having gone on with a railway guard. I see the General very often, and he would like to call on you. The trial comes on on Friday next. The poor General is very ill. The other letter was not read, but from one or two words which Mr. Karslake quoted from it the Court and jury inferred that it was similar to the one dated November 20. Mr. Karslake, resuming his cross-examination, repeated the questions which he had before addressed to the witness, and which related, not to the passage just cited bearing upon the matter under inquiry, but to those portions of the correspondence which seemed to be as foreign to the Windham case as they were extremely painful in their character. An answer to one of the questions was at length dragged from the witness, but it was of so extraordinary and delicate a nature, and had apparently so little to do with the real subject of inquiry, that the jury interposed and requested that no further questions of the same kind might be put. Mr. Karslake said, that out of deference to the jury he would not press the witness further; but he stated that however things might look at present, it would eventually be found that every question he had wished to put was material to the case. The cross-examination was then continued as follows:—It was in a passing conversation that General Windham said he would like to see my sister. I did not go to her with Colonel Broughton to try to get her to give evidence against young Mr. Windham. We did go for that purpose to a charwoman who was in my service when Mr. Windham lodged in Duke-street. Colonel Broughton lodges with me. General Windham saw him sometimes, but not often. The General never asked me to get evidence. I have said to-day that Mr. Windham told me he would have a railway close up to his park-gates. In my affidavit I say "bang up to his door." The words he really used were "bang in." The glass which Mr. Windham used at table was not a valuable and rare article which he had brought from the Continent. It was a soda-water glass of my own. I never saw Mr. Lewellin putting Mr. Windham into a bath. I am not aware that Mr. Windham ordered his baths to be got ready. He had a bath almost every day, but now and then he would not have it. I have said in my affidavit that my husband used to take Mr. Windham into the bath-room and get him to wash himself. I say so still. Mr. Windham would not have taken the bath of his own accord. He used to jump out of bed and throw on a dressing-gown, and come down to breakfast unwashed and uncombed. When Mr. Windham left the bath-room, and ran along the passage naked, I am not aware that he had scalded himself; on the contrary, the month being June, I should say the bath was almost cold. I saw him act thus four times. Mr. Windham gave my husband money to keep for him three or four times. The largest sum he ever gave him in this way was about £100. When he

wanted any of it back again he used to say, "Give us some money, Bob." He told me on more than a dozen occasions that he had lost jewellery. He has lost some of mine. Mr. Windham ordered dinner for a party when nobody came three or four times. He did not tell me on one of those occasions that the party had been put off because he was obliged to go to the country. Mr. Lewellin supplied Mr. Windham with wine—champagne and sherry. Mr. Windham paid the bills. He never objected to any of the items. I never heard him say, "Well, Bob, this is sticking it on rather too thick." (A laugh.) He would turn over the leaves of the pass-books in a hurried manner, but he never examined them with any degree of attention. His bed was found in a filthy state eight or ten times. It began at the latter end of June, and in the beginning of July was pretty frequent. He was not suffering from diarrhoea at the time, but was in good health. He was sober; indeed, I never saw him tipsy. He exposed himself to me twice. When I heard that he was going to be married I sent to the General, who said that his nephew, who was then in the country, should be telegraphed for. I may have told the General previously that his nephew was going about with Agnes Willoughby. Everybody knew that. The General used to call at my house to see his nephew. He never came except for that purpose. We have served the General with wine for several months past. We commenced to do so before the marriage. Mr. Windham did not tell me that he had borrowed the railway uniform from one of the guards. When he supped with me after his marriage he looked like a man whose feelings had been greatly injured. Formerly he was a man of exuberant spirits.

The inquiry was again adjourned.

SIXTH DAY.—SATURDAY. DEC. 21.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Windham was present nearly the whole of the day. He joined in the laugh which occasionally arose in court, but at certain parts of the evidence, to which it is unnecessary to make any more particular allusion, his face slightly flushed and he dropped his eyes to the ground. Generally, however, he kept them steadily fixed on the witness, except when he cast a glance at the jury or whispered a remark in the ear of his counsel. He seldom, if ever, looked round to the audience, though he by no means evinced any anxiety to avoid observation from that quarter. Once or twice he scribbled a note—writing very fast—and handed it to his solicitor, who was sitting below him. Perhaps it would not be incorrect to state that more than one question was put to the witness in cross-examination at his suggestion.

MRS. LEWELLIN—CONTINUED.

Mrs. Lewellin, cross-examined by Mr. Coleridge.—While Mr. Windham was with me I occasionally made his bed myself. It was sometimes made by the housemaid, Sarah Raymond, sometimes by a charwoman named Partridge, and sometimes by a girl named Kate Babbage. It may also have been made, though not often, by my sister Eliza Sophia. The sheets were given out to wash. One of the washerwomen—Mrs. Brown—would not wash Mr. Windham's linen unless I gave her a double price. There was champagne drunk at luncheon. I do not know whether my husband drank any of it. My husband is a most sober man, and never behaved as if he were drunk after luncheon. He is a passionate man—a Welshman—and generally showed his bad temper after breakfast. (A laugh.) We were continually quarrelling about the conduct of Mr. Windham, but we never quarrelled about my husband's conduct to that gentleman. I never said to Mr. Lewellin, "You are sucking the poor boy dry, and as long as he has any money left you will stick close to him." I went to the charwoman, Mrs. Pritchard, about this case twice, once with Colonel Broughton and once with Mr. Wood, a clerk to the attorneys to the petitioners. When I saw her with Mr. Wood I asked her whether she recollected that Mr. Windham was in the habit of making a mess in his bed. She replied, "No, I did not see it." I then said to her, "I used to set it straight before you came up." She did not say to me, "Oh, no; you could not have done

anything of the sort." What she said was, "Oh, did you?" I did put the bed straight by changing the sheets. The dirty sheets of course went to the wash. I changed the bed myself three or four times while Pritchard was in my service. On those occasions I made the bed as far as the under sheet, and then left it so. The rest was done by Pritchard. When I saw Pritchard with Colonel Broughton I told her we had a large dinner party, and asked her to come to assist. I did not say to her, "That blackguard Windham has married a worthless woman, and she is going to bring him a child, and we want to do what we can for the General." Nor did I say "If you will come and speak against Windham, and say he is a gorgier, the General will put you and your husband into a good position; but you must keep it quite quiet." I never said anything approaching to that. I did not even say, "The General will put me and my husband in a good position." When I went to Mr. Field's office to have my evidence taken down, my sister accompanied me. The General came in for about five minutes, spoke to Mr. Field about business, and then went away to write letters. He did not say to me, "I am much obliged to you for the capital evidence you have given; I have never heard half of it before." He said nothing of that kind. My sister did not say, "No, nor I;" in fact, she did not open her mouth. The General did not say, pointing to my sister, "this little woman would help us too, but she is nervous, and might break down in cross-examination." He did not utter any words conveying that sense. Mr. Field did not thereupon say, "It does not at all matter, because one is enough." What the General said was, "You see this Girl has been at the Lewellin's so short a time, and I think it so unpleasant what she would have to say, that I will dispense with her." Mr. Field replied, "Oh, yes. That is what passed, there was nothing more. My sister was prepared to state all she knew." She had said, as I was making my statement, "Yes, that is all correct, as far as I know." She offered to state all she knew, and it was then the General interposed and said he would dispense with her. After writing his letters the General returned to the room to speak to Mr. Field, but he did not stay all the time I was giving my evidence. I was present when Mr. Windham came to my house to supper after his marriage. I think it was in November, but I cannot say whether it was before or after I made my affidavit. My husband is agent to Barnes & Co., Wine merchants, Lincoln's-inn-fields, and also to John E. Liberty, 3, Spring-gardens. I do not know that he sold to Mr. Windham wine to the amount of £30 for John Edward Liberty in August last; nor am I aware that on the 16th of September he sent to Mr. Windham at Fellbrigg-hall wine to the value of £260 for Barnes & Co. I know nothing about the wine business. I do not remember mentioning to Mr. Field anything about my husband sending wine to Mr. Windham. Mr. Windham never ordered me out of his bedroom or sitting room. He never said, "Come, you had better go away to your dear old baby." I have no claim against Mr. Windham, but my husband has. I have no idea what the amount of that claim is.

Re-examined by Mr. Chambers.—I discharged Kate Babbage, one of my servants, because she went to bed with Mr. Windham in my house. I think I know how the counsel for Mr. Windham have got possession of my letters to my sister. The fact is that Roberts has got hold of my sister for a bad purpose. I sent her to a school with a view of qualifying her for a governess, but she left it without my knowledge or consent. I have called on Roberts three times. The first time I went to him was early in November. My sister was with me. Mr. Windham was there at the time. I saw Roberts. Mr. Windham came out into the hall, and Roberts followed him. Roberts said, "What is it? What is it, Windham?" Mr. Windham replied, "Oh, only my landlady from Pall-mall. I have told her that her account was left with my solicitor." He meant my husband's account against him. Roberts said, "Oh, oh, all right." Roberts and Windham then turned into the dining-room, and we came away. On the second occasion I went along with Mr. Wood. I saw Roberts and Mr. Windham together in the hall. They both came out when the street-bell was rung, without waiting to see who it was. Mr. Windham said, "Your husband's account is at my solicitor's, Mr. Davis," and he gave me Mr. Davis's address, Clifford-street, Bond-street. He then began putting on his driving coat as if he was going out. The third and last time I went to Piccadilly by myself. I wished to see Mr. Windham. At first Roberts refused to allow me to see him. I told him my business was with Mr. Windham, and see him I must. He said, "You shall not come dunning here." I said, "I have not come dunning, but

to ask Mr. Windham a question." After some altercation, he said, "Well, if you don't want money, you may see Windham." Previous to this he had locked the street door. I asked him to open the door and call some one in to hear what I was going to say; but the page-boy still kept the door locked. At last Roberts went upstairs and brought Mr. Windham down, as if he were a keeper over him. I then went into the dining-room with Mr. Windham alone; the door was half ajar. I asked him to come to Duke-street, as Mr. Lewellin wished particularly to speak to him. He said, "I will come; but my wife has run away. The Jews have got hold of her, and she is now locked up in Glasgow gaol." That was all he said. There is not the slightest foundation for saying that General Windham ever offered me a single sixpence. He has charged me most particularly to speak the truth correctly, and has never made me an offer of any kind.

By the Jury.—Mr. Windham was not beset by duns and people with unpaid bills at my house. He never added up the accounts I gave him; never objected to any of the items; never even looked at them. I never saw any written invitations issued by Mr. Windham for the various dinners he ordered. He seemed to suppose himself almost the richest man that ever lived; in fact, according to him there was no end to his wealth. He never entered with me into the particulars of his income. I did not lose any of my lodgers in consequence of the riotous conduct of Mr. Windham; but I had complaints from them. I did not show Mr. Windham's accounts to the General or anybody else. When Mr. Windham ordered dinner for a party of guests he did not tell me what to provide. I prepared whatever I thought necessary. Although no guests came the dinner was not wholly lost. We used the materials in the house, and made a corresponding reduction to Mr. Windham.

By the Master.—He was not in the habit of breaking things. He was always very sober, and would never touch spirits. When he told me the Jews had got hold of his wife, and she was in Glasgow jail, he spoke of it in a casual and indifferent sort of way.

MR. D. LEWELLIN, THE HUSBAND OF THE "LANDLADY."

Mr. David Lewellin, the husband of the last witness, was examined by Mr. Field. He said, the behaviour of Mr. Windham while lodging in Duke-street was not like that of a person of sound mind. It was at times unbearable. Mr. Windham used to whistle, scream, howl, caterwaul, sing, and jump about like a madman. He was a most excitable being, and during his meals would suddenly start up and rush out of the house as if he had not another moment to live. On those occasions he would rush down the stairs to the imminent danger of his neck, leaping from one landing-place to another like a madman, and sometimes falling flat on his back. His habits were very dirty, and he could with difficulty be persuaded to wash himself. He was also very passionate, and in his fits of rage, which were often without any adequate cause, he would foam at the mouth, swear, stamp on the ground, and otherwise act more like a wild beast than a human being. The noises I have described were heard in the night as well as during the day. For several nights I was annoyed by a peculiar noise which I was unable to account for. It was like that which might be produced by a cat shut up in a room in great distress. I inquired of my neighbours, right and left, but could get no information on the subject. At last, to my profound astonishment, I discovered that the noise was occasioned by Mr. Windham, who had shut himself in the bath-room, opened the window, and amused himself by caterwauling like a cat in the middle of the night. (A laugh.) His conduct was otherwise very eccentric. Sometimes he would have his bath warm, at others cold. Often while in the bath he turned on the hot water until the temperature was much higher than it ought to be. I have seen him come out of the bath-room perfectly naked. On one occasion I took up a carriage whip which was hanging in the hall and used it on his person. He threw about his money in a reckless manner. One day he would have £20 or £30, and the next day he would not have a shilling. He has borrowed money of me frequently. Whenever he had any loose money, which he did not want to take out with him, he used to give it to me to take care of it for him. Sometimes when I had money of his in my possession he would ask me for a loan, as if he had forgotten all about it. He would say on these occasions—"Come, Old Bob, I must have a pound or two." On one occasion, when he asked me for the loan of a sovereign, I told him I had £30 of his, which he had given me the day before. He said, "Oh, old Bob is very honest; all right." He lost a good deal of jewellery, and sometimes in the middle of

the day. He seldom, if ever, spoke the truth. He once told me that a hurdle had been placed across the road to upset him while on his return to Fellbrigg-hall from Norwich, whither he had taken his tenants for a treat; that he himself arrested the offender "like a London detective;" that he prosecuted him at the Assize Court in Norwich, addressed the jury in an eloquent speech, and was complimented by the Judge; and that the prisoner was sent to prison for four years. (A laugh.) I have seen his bed in a filthy state once, and have had to supply him with clean shirts twice. He was in the habit of using very bad language—profane and obscene. He foamed at the mouth in bed, and while sleeping looked like a lunatic. (A laugh.) He was extremely vain, and wished to be called Captain Windham. He told me that he first met with Agnes Willoughby and Skittles in Rotten-row. "Skittles" is the *sobriquet* of a notorious woman. One day he came home and said he had had a jolly row with Skittles about Agnes Willoughby; that he had ordered Skittles to be turned out of the Park; that he had bullied her well, and let everybody know who and what she was. He also told me that he had known Agnes Willoughby, and that on going to her house by appointment on one occasion he had found another man there. He has had his clothes sent to her house, intending to sleep with her, but when he has got there he has been obliged to return home again, somebody else being with her. Once, upon my telling him what a bad character Willoughby was, "Oh," he said, "Agnes is not the woman you mean: the person you refer to lives at St. John's-wood." I replied, "There is no mistake about it; Agnes is the woman." He told me that her father, who was a clergyman, had left £500 or £600 a-year, and that I could see all about it by going to Doctors'-commons. I assured him I had known her myself on the town for years, and that she had ruined many a man. He told me that only two gentlemen besides himself had been intimate with her, one being her seducer and the other a visitor. When I heard that he was going to marry Agnes Willoughby I spoke to him on the subject. He laughed and said, "I only want her for a time." Shortly before he left my house I told him I had heard that he was going to settle his property upon her. He replied, "It is a —— lie; I have had enough of the ——." I am positive, from all I know of him, that he is not capable of managing himself or his affairs.

Cross-examined by Sir H. Cairns.—I have occupied the house in Duke-street for about twelve months. It was built for me. I have kept chambers for gentlemen for about five years. I have been in the wine trade since 1846. Before that date I was butler and steward at Sir George Cayley's, in Yorkshire. I knew old Mr. Windham about 1850. I was sent to him by Mr. Barnes, the wine merchant, to receive payment of a bill. When I first became acquainted with young Mr. Windham I did not know any other member of his family. I stated in my affidavit that I knew all the members of the Windham family for many years. What I meant was that I knew them by name, and on the books at Barnes and Co.'s, Lincoln's-inn-fields. Mr. Windham agreed to give me two guineas a week for his apartments, an additional charge of 7s. being made for attendance. While he was with me there was four different male servants in the house. They slept on the premises, brushed the clothes and shoes, cleaned the plate, waited at table, and did everything that was required of them. I waited at table when there was more than the servant could do. I often brushed Mr. Windham's clothes, and, in fact, may be said to have acted as his valet. The first agreement he made with me lasted till the first of July. Mr. Peatfield came immediately after Mr. Windham. He asked whether there had been a room taken for him, and I replied "Yes," for Mr. Windham had spoken to me about it. That room was not included in the two guineas a week. I charged Mr. Peatfield £1 4s. a week for his bedroom, and about 3s. 6d. for attendance. On the 1st of July Mr. Windham took his room by the year. The terms were £100 a year, exclusive of Mr. Peatfield's bedroom, which, however, I have charged to Mr. Windham. The baths were charged separately—a shilling each. It was agreed that whatever wine Mr. Windham wanted he should have it at the wholesale price. The champagne was charged 60s. per doz. I attended Mr. Windham in the bathroom. He never talked to me of experiments with a Turkish bath, but he would sometimes take a hot and cold bath in quick succession. I have seen him make the bath so hot that nobody could bear it. I never saw him jump out on account of the extreme heat of the bath, but I have seen him do so when the room was full of steam. I have seen him come out of the bath-room half a dozen times with nothing but his shirt on, and once or twice quite naked. My office is on the same floor with the bath-room. Mr. Windham sometimes left his clothes in my office; but I

never suggested to him to leave them there in order to save him the trouble of going upstairs. I have suggested that some of his clothes should be left in my office. The clothes he put on in my office were part of those which he afterwards wore during the day. It was not necessary for him to come out of the bath-room to call for towels, or for me. There was a bell in the room. He has frequently left the bath-room naked, or only with his shirt on, when the street bell was rung, in order to see who it was. He did that repeatedly, as often as twice a week, during the latter part of the time he was with me. His conduct at last became quite unbearable. If I were to say that I have seen him come out in this condition a hundred times I should not exceed the truth. He was exceedingly indelicate. He was on very good terms with me. He told me all his affairs; he was very familiar with me, and we joked and laughed together a good many times. He had one horse of his own, and I hired others for him from a person named Robins. He drove about in a phaeton until he smashed it. He did not get into a passion when I whipped him. I did not wish, of course, to hurt him. He took it very quietly. I did not flourish the whip over him by way of joke. I am not aware that he treated it as such. I did not. I believe he got money sometimes from a banker, but I never saw him with a check-book. He never paid me with a check. He frequently borrowed money from me when I had none of his in my hands. I remember supplying Mr. Windham with wine at Fellbrigg-hall. I did so on different occasions, but I did not supply him with any large quantity until he came of age. He ordered a large quantity from Barnes and Co., on or about the 20th of August. Agnes Willoughby was with him. I was present, and introduced him to the clerk. I neither gave nor shall I get a commission upon that order; but I shall probably be remunerated by a reduction in the price of some wine which I have had for my own house. The wine sent to Fellbrigg-hall has not been paid for. I believe the amount is upwards of £200. The cellar at Fellbrigg-hall was perfectly empty when Mr. Windham came of age. I have myself supplied Mr. Windham with champagne direct from the docks. It was sent to Fellbrigg-hall. He asked me for it, considering it very cheap and good. On one occasion I sent him twenty cases; and I have supplied him with small quantities at other times. I also supplied him with some cases of claret and brandy. He has likewise had wine from Mr. Liberty. The money he got from his banker was generally gone in an hour. When he was in a passion it was almost dangerous to go near him. He would stamp and swear and threaten to kill any person who spoke to him. I have seen him bite his nails and lips until the blood has come. I am quite positive he told me that he himself addressed the jury down in Norwich, and that he was complimented by the judge. If there is a statement in my affidavit to the effect that he told me what his counsel said to the jury, all I can say is that it is not true, and that I do not know how it got there. I have no doubt I read my affidavit before I swore to it. I was not aware it was made for the purpose of enabling proceedings to be taken against Mr. Windham. My opinion was that the intention was to protect him from the vile hands into which he and his property have fallen. All the letters written by Mr. Windham to me I have given to General Windham, or rather to his solicitor. I may possibly, also, have given some letters addressed to Mr. Windham. I delivered up all the documents and papers which I could find in his rooms. I have supplied General Windham with wine three times. The first time was in July last, when I sent him, by the order of his nephew, a dozen of champagne on trial. Afterwards I sent him eight dozen, and about six weeks ago I sent him six dozen. He has also had a dozen of brandy. These are all the dealings I have had with him. I do not know who brought the General to Duke-street on the night when his nephew came to sup with me after his marriage with Agnes Willoughby. I did not send for him on that occasion. My impression is that he was brought by Mr. Corbellis, one of my lodgers, for the purpose of giving him an opportunity of saving his nephew. Young Mr. Windham never objected to any of the items in his bills. He never said, when I showed him the entries in the pass-book, "Come, Bob Ridley, this is laying it on rather too thick." He always acted liberally with me in everything. During part of the time Mr. Windham was in Duke-street I had a sister-in-law named Eliza Sophia staying with me. I do not remember her taking charge of the house while my wife was at Ramsgate, but she was found sitting on the bed with Mr. Windham, and I remember turning her to the door.

The cross-examination of the witness was not concluded when the Court adjourned till the following Thursday.

SEVENTH DAY—THURSDAY, DEC. 26.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this morning, in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

The Master said—I am increasingly anxious about the length to which this inquiry must inevitably extend. The present is the seventh day of sitting, and we have not yet averaged more than three witnesses a day. I hope we will get on quicker in future, and I for one will do everything I can to shorten the inquiry. I have made arrangements which will enable me to sit *de die in diem* until the case is concluded, and, if the parties wish it, I am prepared to sit every day from 11 o'clock in the forenoon till 7 in the evening.

MR. LEWELLIN'S EVIDENCE—CONTINUED.

Mr. Lewellin, cross-examined by Mr. Coleridge.—I was at one time valet to Mr. Barnes, wine merchant, Lincoln's-inn-fields. Some years ago I had two houses in Pall-mall—one at No. 45, and one at No. 16. Mr. Barnes occupied the first floor at No. 16. Other apartments in the same house were let to Mr. John Henry Smith, of Smith, Payne, and Smith's; and to Mr. Price, M.P., for Gloucester. I have nine sisters-in-law. Several of them visited me occasionally when I lived at No. 16. One—Caroline Priscilla—stayed with me about six weeks before she died. While she was there none of my apartments were occupied by a young man who is since dead. None of my lodgers furnished any part of the house. After leaving Pall-mall I went to Gilston-lodge, Brompton. Mr. Parsons, an old gentleman, lived with me there. My sister-in-law, Eliza Sophia, visited us occasionally at Gilston-lodge. Sometimes she would stay a fortnight, sometimes a month, sometimes six weeks, or two months. Mr. Parsons kept two carriages. One of them was occasionally used by my family. Eliza Sophia sometimes went out in it.

Mr. Coleridge.—Was she in the constant habit of using it?

The witness.—I refuse to answer any more of these questions. I am here to give evidence in the Windham case, not to speak about my family affairs.

The Master.—The jury are anxious to know, Mr. Coleridge, whether your questions are relevant to the case before us.

Mr. Coleridge.—They are most relevant.

Mr. Chambers.—Yet none of them were put to Mrs. Lewellin.

The Master.—The jury are satisfied with your statement, Mr. Coleridge, and you may proceed with your cross-examination.

Mr. Coleridge.—It is most important that the credibility of the witness should be thoroughly tested.

Cross-examination resumed.—Eliza Sophia was not in the constant habit of going out in the carriage. She went only when I allowed her to do so. Now and then she may have gone out with Mr. Parsons. She did not go to dinner with him at Richmond. Mr. Parsons died when I was at Gilston-lodge, but he was not living with me at the time. When he went away he took his furniture with him, with the exception of some things which I bought. He had some pictures, but he took them all away. He left my house through Eliza Sophia. She did not leave at the same time, but I sent her away. From Gilston-lodge I removed to Duke-street. I have sold wine for Barnes and Co. for twenty years. I do not get a commission, but the wine I require for my own house is supplied at butt price. I have also sold wine for Mr. Liberty, Spring-gardens. On the 6th of August Mr. Liberty supplied Mr. Windham with 36 dozen of wine. On the 16th of September I gave Barnes and Co. an order to send to Fellbrigg-hall wine to the value of £260. About the 20th of August I supplied Mr. Windham with champagne to the value of £60 direct from the docks. I was defendant in an action, "Smart v. Lewellin." A set of swindlers had robbed me of £400 or £500, and they concocted a suit against me while they were in Whitecross-street prison. The jury found for £150 damages. It was a common jury, and my counsel sold the case. (A laugh.) I was not asked to give

evidence, but I insisted upon going into the box and being heard. The damages were paid for me, and I did not lose a single farthing. I was also defendant in a County Court suit, "*Dignam v. Lewellin*." There was a claim made against me for £30. I was sworn, and gave my evidence. The judge decided the case against me, but that was because I told him I would pay the money. He did not say he thought I should be indicted for perjury. The plaintiff was my sister-in-law, Eliza Sophia. She was put up to it by her brother, and did it out of spite because I turned her out of my house. Afterwards I got a letter from her, saying she was mad when she raised the action against me. I saw Dr. Babbington at my house once. He was brought by Agnes Willoughby, who called him her family doctor (a laugh); and he saw Mr. Windham, who was then suffering severely from diarrhoea. I did not say anything to him about Mr. Windham's state of mind. When I telegraphed for Mr. Windham I did so at the request of Mr. Chappel, his mother's solicitor, who told me it was most important that he should be in London. I may have informed Mr. Hook that I had sent for Mr. Windham, but I am certain that I did not communicate the fact to the General.

Re-examined by Mr. Chambers.—Mr. Windham was in the constant habit of leaving the bath-room partially naked when the street bell was rung. On one occasion he came out quite naked, and ran as far as the dining-room door, which is close to the street door. Sometimes I had great difficulty in persuading him to re-enter the bath-room. When using the bath, part of his clothes—coat, vest, and hat—were left in my office, but his shirt and trousers were always taken into the bath-room. I had known Mr. Parsons since my boyhood. No claim has ever been made against me in respect of any furniture which I have of his. I turned Eliza Sophia out of the house because she would not attend to what I said to her. It was then she proceeded against me in the County-court.

By the Jury.—Mr. Windham never added up the entries in his pass-book to ascertain whether the sum total was correct. I may have shown his bills to his relatives, General Windham and Mr. Hook. I never saw Mr. Windham the worse for wine except once. He was very seldom visited by gentlemen of his own age and condition in life. I supplied him with wine at the wholesale price. I had no licence for the sale of wine. He was not in the habit of ordering things in from shops. He was not beset by duns. When he came out of the bath-room in the way I have described he usually had his shirt and trousers on, but the latter were unbuttoned. About a fortnight or three weeks after he came to my house I told Mr. Hook, one of his guardians, that in my opinion he was not right in his mind.

By the Master.—Mr. Windham never complained of the amount of his bills. I have no doubt I could have overcharged him with impunity if I had been inclined to do so.

THE REV. T. J. BATY, AN OCCASIONAL VISITOR.

The Rev. T. J. Baty, examined by Mr. Hume Williams, said he was a clergyman and resided at Roehampton. He had considerable experience in the education and management of boys. He was requested by Mr. Hook to take charge of Mr. Windham, but he declined, and recommended Mr. Peatfield, an old college companion. He visited Mr. Peatfield in Duke-street and had many opportunities of seeing and talking with Mr. Windham. On one occasion, in May, he saw Mr. Windham alone. The latter came into the room with nothing on except a dressing-gown, which was very loosely thrown about him. He was in an excited state and told witness that he was engaged in a serious business with the detectives. He said it was impossible for him to mention it, as it was a private matter. He then sat down and wrote a note. After he had done so he told the witness in a wild way that Sergeant Joy, of the detective force, was following the steps of a lady with whom he was engaged. He said he believed she was unchaste, and he had employed Joy to discover the truth. He mentioned the lady's name; she was a lady of position, and had since been married to an officer in the army. Witness saw Mr. Windham on several other occasions. His manner of eating was most offensive; so much so, indeed, that witness was once unable to remain at table. One day Mr. Windham jumped up from the table, and, with a shriek, drew a knife rapidly across his throat, at the same time making a horrible grimace. His talk was wild and incoherent, and his language coarse; he was an habitual swearer, and seemed unable to distinguish between truth and falsehood. Witness reproved him for swearing, but, though he was excessively cowed for the moment, the reproof had no further effect upon him. He was in the habit of running about the house, throwing

up the windows, and hooting and howling like a madman. Witness believed him either to be insane, or at least to have a very weak mind. Some of his lies were useless, causeless, objectless. Witness heard him relating to Mr. Lewellin how he had arrested a man down in Norfolk, and how he had been complimented upon the fact by the magistrates, who told him that he was evidently a London policeman and not a common country one. (A laugh.)

Cross-examined by Mr. Karslake.—I have been in the Church since 1855, and have known Mr. Hook for about three years. The first time I saw Mr. Windham to speak to him was after he went to Duke-street, when I saw him with nothing but a dressing gown on; he apparently came from his bed-room. He spoke of the lady as a person to whom he either had been, or was at that time engaged—I am not certain which. He was much excited. At the end of about twenty-five minutes he left the room for a short time. When he returned he was partially dressed. Some time afterwards I was in his company for about an hour, but I do not recollect anything particular happening on that occasion. He was in the habit when at lunch of beating the tune of "Old Bob Ridley" on the table with the ends of his knife and fork. I do not know the song of "Old Bob Ridley," nor do I recollect him singing—

"Oh, the first time that I got a licking,
I was in the field at the cotton picking
It made me dance and made me tremble—
By golly it made my eyeballs gingle."

(A laugh.) I never heard those lines before. I can give you no instance of what I have called his useless, causeless, objectless lies. He told me so many that really I forget the details of any one of them. During the time I used to visit in Duke-street I saw Mr. Hook once. I met him in St. James's-street. After the marriage of Mr. Windham in August Mr. Peatfield stayed with me at Rochampton for about six weeks, and then went to Russia.

ELLEN MOORE, MR. LEWELLIN'S COOK.

Ellen Moore, examined by Mr. Chambers, said I was in the service of Mr. Lewellin as cook and kitchenmaid when Mr. Windham lodged in the house. One day about noon I saw Mr. Windham running along the passage quite naked, and making a great noise—shouting and catcalling. I used to poach from four to eight eggs for his breakfast. He ate more like a pig than anything else. Several times I have cooked dinners for himself and a party of friends when nobody came. I didn't think him in his right mind.

Cross-examined by Sir H. Cairns.—Mr. Windham was the only person I ever saw out of his mind. I never heard any one who could imitate a cat so well as Mr. Windham. (A laugh.) Mrs. Pritchard, the charwoman, was not in the house at the time I saw Mr. Windham running along the passage naked. I did not look to see whether the bath-room was full of steam.

MR. CORBELLIS, A LODGER AT MR. LEWELLIN'S.

Mr. Corbellis, a clerk in the War-office, was examined by Mr. Field. He said I have been lodging with Mr. Lewellin since January last. I have never spoken to Mr. Windham, but have heard him shouting, swearing, and laughing in a vacant sort of way. His laugh was that of a lunatic. On one occasion I heard Mr. Lewellin saying he would take the horsewhip to him. There was a noise in the passage as of some one running about at the time. When Mr. Windham went to Duke-street to sup after his marriage, I volunteered to go for the General.

Cross-examined by Mr. Karslake.—I had never been at the General's residence in Eaton-place before. I have never been in the same room with Mr. Windham when he was shouting and laughing; nor did I know him by sight. My notion of a lunatic is a man who cannot be allowed to go about with safety. A man may be able to read Horace and Virgil and pay his bills, and yet be a lunatic. I have no doubt, from Mr. Windham's laugh, that there is something wrong in his head.

By the Jury.—The Lewellin's house was generally well-conducted, and no attempt was ever made, as far as I know, to impose upon the lodgers.

MR. SCOTT, SOLICITOR, AYLESHAM.

Mr. W. H. Scott, solicitor, in Aylesham, Norfolk, was examined by Mr. Williams.—He said, I have known Mr. Windham since 1845, and have occasionally acted pro-

professionally for his father. I early formed the opinion that he was a boy of weak intellect. That opinion was founded upon his extraordinary excitement in play, his sudden and unreasonable fits of passion, and the peculiarly vacant expression of his face when in a state of repose. I was at old Mr. Windham's funeral, and saw the son going about among the people, welcoming them almost in a joyous manner, and asking them with a delighted expression of countenance whether they would like to see the coffin. In the church during the reading of the lesson he gave a cry which resembled the cry of an animal in distress. It was a manifestation of grief uncontrolled by reason. At the mansion-house, after the funeral, he was as cheerful and careless as ever. I spoke of his conduct at the Windham ovation in Norfolk, and related the particulars of his fight with a showman in Aylesham, as described by the postmaster of that town. I saw him himself shortly after the fight, and described him as sitting on a chair with his hands on his knees, crying, the tears running down his face unchecked, and his whole expression denoting utter mental prostration. I have no doubt that he is a person of deficient intellect.

Cross-examined by Sir H. Cairns.—I believe that in Mr. Windham instinctive impulse when excited is not under the control of intelligent reason. An animal might have reason, but men only have or should have, intelligent reason. The reception of ideas through the senses and acting upon them is a process of reason, but intelligent reason deals with a higher class of ideas, such as comparison, which may be wholly independent of the senses. Thus, an intelligent being can compare the intellectual powers of two men without seeing or touching them. The writing of a letter stating facts which have occurred, and drawing inferences from them, is a process of intelligent reason, provided the inference were rational. Mr. Windham might write a letter of that kind, for he is not totally devoid of intelligent reason, but he is not capable of any sustained thought. He has enough of reason to form a conviction, but his conviction, so to speak, has no memory. It does not fix itself in his mind, or influence his conduct. For example, he might be convinced that he ought to buy a certain article on account of its excellence and cheapness; but just as likely as not, instead of acting upon his conviction, he would purchase anything else which might happen to catch his eye. For the same reason he would continue dealing with a man whom he knew was cheating him.

By Mr. Coleridge.—I have comparatively recently noticed the peculiarly vacant expression of Mr. Windham's face when in a state of repose. On one occasion, when Mr. Peatfield and myself were engaged in a discussion about the state of the soul after death, Mr. Windham's face became quite idiotic in its expression. (A laugh.) He evidently did not understand a word of what was said, and at last fell asleep in an arm-chair. (A laugh.) The discussion continued for a considerable time, and Mr. Windham did not awake until it was finished. (Great laughter.)

By the Jury.—If Mr. Windham has asked me to transact business for him he would not have done so except under peculiar circumstances. Mr. Windham is not a man to be trusted. I would certainly not have made his will without taking the advice of medical men.

The inquiry was again adjourned.

EIGHTH DAY.—FRIDAY, DEC. 27.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

MR. ATKIN, BOOTMAKER, OPERA COLONNADE.

Mr. Thomas Atkin, examined by Mr. Field—I am a bootmaker in the Opera Colonnade, and have known Mr. Windham since the 28th of May last. Since that date I have made seventeen or eighteen pairs of boots for him. On one occasion he ordered two sets of trees for every pair of boots. I did not comply with the order, because I thought it was unreasonable. His conduct, as far as it came under my observation, was of a rather random character. He used to shout and howl and utter bad language in my presence. When I refused to supply him with two sets of trees for every pair of boots, he got into a violent rage and exclaimed, "You ——

old fool, can't I have what I like?" On one occasion I gave £4 to a servant in Duke-street, with directions to hand it to Mr. Lewellin. She gave it to Mr. Windham in mistake. He sent for me to talk over the matter, and when I had explained how the mistake had arisen, he said to me, "If you don't stand a bottle of sham"—meaning champagne—"I will shoot you." I implored him not to do so, for I wished to live a little longer. He then presented a pistol at my breast, but I do not think he intended to do me any mischief; it was a mere frolic. In the month of November last I saw him with Roberts in Piccadilly. Mr. Windham had ordered a pair of boots from me, and I took them home. As soon as he saw me he burst into a furious passion, and called me bad names. Roberts was even worse than Mr. Windham, and told me that he would not allow me to come dunning there. At length Mr. Windham suddenly broke into a laugh, and said, addressing me, "All right, Bob; all right." I believe, from all I have seen of him, that he is incapable of managing himself or his affairs.

Cross-examined by Mr. Karslake.—I have not brought my books with me, but I can easily get them. Mr. Windham was recommended to me by Mr. Lewellin as a good customer. Shortly afterwards I called of my own accord on Mr. Windham, and at that first interview he gave me an order for a pair of Balmoral boots, for which I charged him £1 18s. Since then I have supplied him with Wellington boots, shooting boots, top boots, and cricket shoes. After his marriage I had a bill against him of about £37. It was paid by a solicitor in Golden-square, to whom I was referred by Mr. Windham himself. Before Mr. Windham gave me any order for trees I had supplied him with three or four pairs of boots. When he ordered two sets of trees for every pair of boots, he did not tell me that he lived sometimes at Fellbrigg-hall as well as in London, and that he wanted one set of trees for each place. I made four sets for him, but if I had executed all his orders I should have supplied him with about forty sets. (A laugh.) Mr. Windham, in fact, had trees for all kinds of boots, except dress boots. The latter being of patent leather did not require trees, and Mr. Windham did not order any. I made an affidavit in Lincoln's-inn-fields, but I do not recollect who asked me to do so. I think I received a letter from the solicitors to the petitioners. I see the following passage in my affidavit:—"He burst into a violent rage without any provocation on my part, swore at me furiously, presented three different pistols, one after another at me, and said he would shoot me." That refers to the scene which I have already described. In point of fact I only saw two pistols, and the statement in the affidavit that there were three is a mistake.

Re-examined by Mr. Chambers.—When Mr. Windham threatened to shoot me if I did not stand a bottle of champagne, I complied with his demand. (A laugh.) I requested Mr. Lewellin to give us a bottle of champagne, and paid him 5s. for it. I was frightened at the time, although I think it was only a frolic on the part of Mr. Windham, because the pistol might have been loaded unknown to him.

By the Master.—I have had, unfortunately, too many young men of fortune and fashion as customers. If one of them had ordered two sets of trees for one pair of boots, I should have regarded such an order as very strange, even though I might not have had any reason otherwise for suspecting the sanity of the person giving the order. A gentleman might, of course, very reasonably order two sets of trees, provided he intended to use one set in the country and the other in town. As a matter of fact, however, I never made two sets of trees for one pair of boots.

RICHARD ROBINS, GARDINER AT FELLBRIGG-HALL.

Richard Robins said, I have been a gardener at Fellbrigg-hall for forty years. One Sunday in October last, upon returning from the grapery with Mrs. Windham, I found Mr. Windham in the pantry with two of the men-servants; one of the latter, who did not appear to be sober, said he was determined to leave; and Mr. Windham, as far as I could observe him, did nothing but laugh. Mr. Windham took me up to a room, and, instead of giving me a glass of sherry, which Mrs. Windham had ordered for me, insisted upon my taking a glass of brandy, which he said would do me more good.

MR. J. BREESE, LANDLORD OF THE BLACK BOY, AYLSHAM.

Mr. James Breese, the landlord of the Black Boy Hotel, in Aylsham, said, I saw a portion of the fight between Mr. Windham and a showman in the market-place of that town. It occurred on a Sunday. Mr. Windham drove into the market-place

in a post-cart, and soon got involved in an altercation with the men belonging to a menagerie of wild beasts. I saw him throw himself into a fighting attitude. One of his antagonists was a woman, who brandished a tin pan over his head, and when in the act of retreating, overpowered by numbers, Mr. Windham thrust his elbows through a window. He eventually took refuge in the post-office. At one time Mr. Windham often hired horses from me. He always rode and drove furiously, and at last I refused to let him have any of my animals. On the occasion of a ball in Aylsham Mr. Windham had a squabble with the police, and, in describing the occurrence afterwards to me he said, "The —— peckers wanted to prevent me from getting into the inn yard, but I would have driven over them if they had not got out of my way." I do not think Mr. Windham capable of managing his own affairs.

Cross-examined by Sir H. Cairns.—I have still a claim against Mr. Windham for the hire of horses. The account has been sent in. I never drove with Mr. Windham.

MR. JAMES HOLDEN, INSPECTOR OF THE C DIVISION, METROPOLITAN POLICE.

James Holden, examined by Mr. Chambers.—I am an inspector in the C division of the metropolitan police, and have known Mr. Windham for about two years. I have seen him about in the streets and elsewhere. From the manner in which he conducted himself I have formed the opinion that he is a man of weak intellect. I do not mean to say that his mind is unsound, but he is weak and imbecile. I have heard him shouting in the streets, pretending to be a policeman, and trying to move people off. He was fond of associating with the police, and, especially within the last three or four months, has often tried to force his company and conversation upon me. I have seen him walk up to a group of persons in the street and say, in the voice and manner of a policeman, "If you don't move off from here, I will lock you up." The parties have moved away, principally I suppose, because they saw me with him. (A laugh.) No complaints have ever been made to me about him. Two or three months ago he told me that his mother had married a young man, and that they and the old General wanted to rob him of his property. He was crying at the time, the tears flowing from his eyes, and a sort of froth or foam running from his mouth. He did not use a handkerchief, but wiped his face with the cuff of his coat. I told him to go home—it was in the Haymarket, about two o'clock in the morning—and then left him. At the end of June or the beginning of July he told me he was about to be married to a Miss Windham, a cousin of his. One evening in October he accosted me in Stafford-street, Bond-street, and requested me to ask the superintendent to allow me to go down to the country to apprehend his wife, because she had robbed him of diamonds to the value of £30,000. He was crying like a child, and said everybody was trying to rob him. I did not believe him, of course, and told him he had better speak to the superintendent himself. He was slobbering at the mouth, and looked very dejected.

Cross-examined by Mr. Karslake.—It was part of my duty to visit the night-houses in and about the Haymarket. Mr. Windham never accompanied me on those visits, but I have often seen him in the houses when I went to them. He liked to assume the authority of a policeman when walking with me in the streets. I have heard him ordering people to move off two or three times. I have been eleven years in the police force, and never knew any of the Windham family. I have always lived in London. There is not a noisier place in London at night than the Haymarket, with the exception, perhaps, of the Ratcliffe-highway on certain occasions. Most of the night-houses are in that quarter, and they usually "keep it up" till three or four o'clock in the morning. It was in the Haymarket, between one and two in the morning, that he told me he was about to be married to a Miss Windham. I may have stated in my affidavit that he told me he was actually married to Miss Windham. I am not quite certain which version is the correct one, but my impression is that he told me he was about to be married. I see it stated in my affidavit that he wanted me to go down to apprehend his wife in Norfolk, because she had run away with jewellery to the value of £13,000. I do not know how the statement came to be inserted. What he really said was that he wanted me to go down to the country, not mentioning any particular place, to apprehend his wife, because she had robbed him of diamonds to the value of £30,000.

Re-examined by Mr. Chambers.—If Mr. Windham had given me a charge I should have taken no notice of it, unless his statement had been corroborated by other

sons. He is a person of such weak intellect that no dependence can be placed upon him. He was always different from the other young men in the Haymarket. His conduct was childish. I have seen him in night-houses with prostitutes and gentlemen; but he always behaved himself pretty well in those places, at least when I was present.

By the Master.—Mr. Windham never appeared to me to be under the influence of liquor. I am not aware that he ever put on a police uniform.

By the Jury.—He never attempted to obstruct me in the execution of my duty. The police do not allow shouting in the Haymarket at night, but Mr. Windham is a privileged being on account of the state of his mind. I generally saw him in the company of prostitutes. I formed the opinion that he was a person of weak intellect almost from the first moment I saw him. He introduced himself to me by taking hold of my arm and asking me to have some champagne, addressing me as “old fellow,” and “jolly cock.” (A laugh.) All of a sudden he changed his tone and appeared as if he were about to cry. I never had any champagne with him.

MR. H. WHEATLEY, DETECTIVE OFFICER IN NORWICH.

Henry Wheatley, examined by Mr. Field.—I am a detective policeman in Norwich. Before I joined the police I was a railway inspector on the Eastern Counties line, and sometimes acting as guard. I have known Mr. Windham for six or seven years, and for a long time saw him constantly on the platform of the railway station. He was generally called “Captain,” because, I suppose, he was known to be a nephew of General Windham. (A laugh.) I have frequently seen him running up and down the platform, shutting the carriage doors, and telling the passengers in a loud tone of voice to take their seats or they would not get on with the train. I have often seen him get into the break-van. His manner was always very wild. After I became a policeman I saw Mr. Windham at a ball in Norwich. It was on the 20th September, 1860. He conducted himself very badly, shouting and bawling. He came up to me, said that he would give me half-a-crown for my whistle, and that if I would let him have it he would blow it in the ball-room, “which,” he added, “will cause a jolly spree.” He has often stopped me in the streets and shaken hands with me, generally asking me whether I had seen his fancy girl. When Blondin was performing in Norwich I saw Mr. Windham walking up and down the road in front of the place set apart for the performance, and heard him tell the people he was a London detective. In his conversation he would wander from one subject to another. I have often travelled with lunatic patients, and from what I have seen of them and of him my opinion is that Mr. Windham is not in a sound state of mind, or fit to manage himself or his affairs.

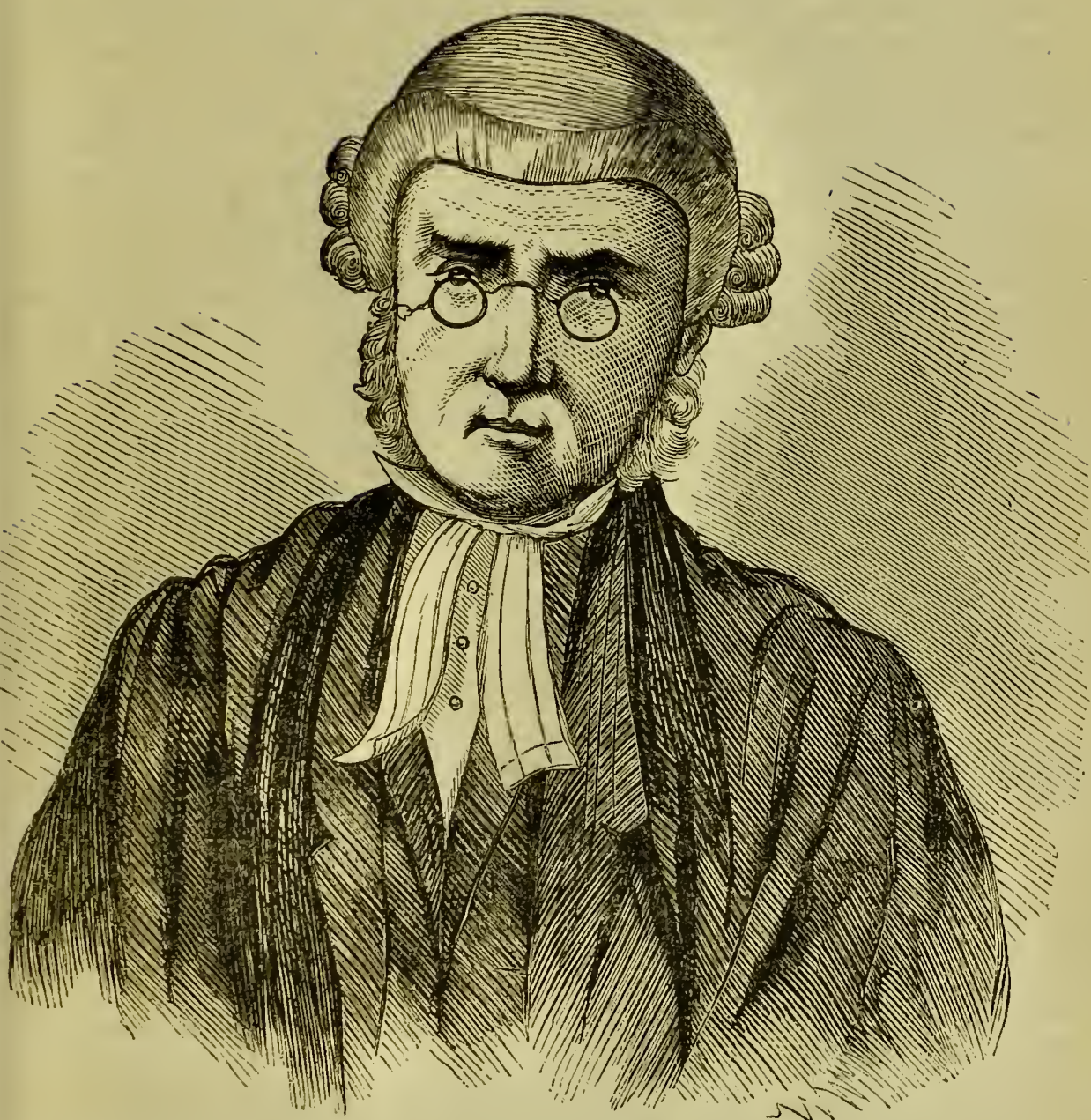
Cross-examined by Sir H. Cairns.—The patients I have referred to were always quite quiet, but Mr. Windham was just the reverse. (A laugh.) I do not know whether he was “chaffing” when he told the people at Norwich that he was a London detective. What he said was, “I am a—— London detective.” Since I left the railway I have seen him on the engine and in the break-van, but not when the train was in motion. I never saw him actually drive an engine. He was very fond of being at the railway, and I have seen him acting as porter. I cannot give you an example of his wanderings in conversation.

By the Master.—I am not aware that either the police or the railway authorities remonstrated with him at any time. I never saw him intoxicated, or dressed in a railway uniform.

SARAH RAYMOND, MR. LEWELLIN'S HOUSEMAID.

Sarah Raymond, examined by Mr. Field.—I was in the service of Mrs. Lowellin as housemaid for five weeks in July and August last. I did not see much of Mr. Windham, but I often heard him shouting, swearing dreadfully, and jumping about the house. Once I heard him make a noise like a cat after all the people in the house had gone to bed. I used to collect his things for the wash; they were always very dirty. Sometimes I made his bed. I often found it in a filthy state, as if a child had slept in it.

Cross-examined by Mr. Karslake.—Mrs. Pritchard, the charwoman, was in the house for about a week when I was there, and she helped me to make the beds during that time. Clean sheets were not put on Mr. Windham's bed every night. When the sheets were removed, they were stained a little, and his shirts and drawers were stained in the same way. I know he was suffering from a very bad disease at the time, and, except on three or four occasions,



MR. MONTAGUE CHAMBERS, Q.C.

the stains were from that cause. On those excepted occasions he had used the bed like a child. I believe he was taking medicine in large quantities.

MR. W. BUTCHER, LAND SURVEYOR, NORWICH.

Mr. W. Butcher, examined by Mr. Williams.—I am a land surveyor and valuer in Norwich. In October last Mr. Chappel, the solicitor, who told me he was acting in the matter for Mr. Windham, employed me to value the farms on the Fellbrigg estate. I was told, at the same time, that large sums of money were due by Mr. Windham, and I was directed to mark all the trees which might be felled without injuring or disfiguring the property. The survey occupied four days, and at the fourth day I spoke with Mr. Windham for the first time. I asked him whether the bailiff or woodman had pointed out to him the trees which I had marked. He replied in a very hasty manner, "You have been too quick; I have sold all the trees for £5,000, and am to get £500 a month." He said he had sold them to a Government contractor, and had signed the contract the day before. I told him that he should not have done any such thing, and that he had ruined the Fellbrigg estate. He shrugged his shoulders and said, in an extraordinary sort of way, "I have made a very good job; don't you think so?" I told that there were not £5,000 worth of trees on the estate which ought to be felled. "Ah," he said, "You have not been in the Runcton valley;" referring to a portion of the settled estates with which I knew he could not meddle. He did not say anything to me about the price per foot, nor did he seem to understand in the least the nature of the contract he had entered into. He suddenly called for two bottles of wine, and I drank a glass and then left him. Since then I have not spoken to him, but I have seen him frequently at the railway. He appeared to act as a guard, and I actually saw him on one occasion turning the steam on at the Windham station, a few miles from Norwich. He seemed to be delighted at what he had done. I have often seen him opening the carriage door when the train arrived at the station. The oak on the Fellbrigg estate is very fine timber and should bring an average price of about 2s. 6d. per cubic foot. October is not a proper month for cutting oak. In taking the girth of a tree it is not usual to measure it at two-thirds of the length from the butt-end. By that mode of measurement the purchaser would get an advantage to the extent of about 25 per cent.

Cross-examined by Sir H. Cairns.—In July or August last, land near Sudbury which belonged to the late Mr. Windham was sold by the trustees for £65,000. There has not been much timber sold of late years off the Fellbrigg estate. Old Mr. Windham was very particular about the trees, and would not allow any to be cut. When I went over the estate in October, I found a great many trees lying on the ground which had been blown down. I did not take any account of them. Altogether, I marked 536 oak trees, and estimated their value at £2,586. I also marked a number of ash trees, chestnuts, beeches, limes, and sycamores, estimating their value at £306 5s. Mr. Windham simply told me that he had sold the timber; he did not particularise the oaks. Some of the oak trees I marked should have been cut long since; thirty years ago they would have fetched double the price they will now. There is a large quantity of sweet chestnuts on the estate, some beeches, and a few sycamores, and a great deal of fir. The beeches would not fetch more than from 6d. to 8d. per foot; the chestnuts might be worth 1s. 6d. per foot, the sycamores from 6d. to 8d., and the fir from 8d. to 10d. There is a considerable number of young oaks on the estate; they are not included, of course, in my estimate; in fact, it would be a great sin to cut them. They are from fifty to sixty years old, and, with the exception of some to the north, don't want thinning. In Norfolk timber is generally sold for ready money. I made an affidavit at the request of Mr. Hansell, a solicitor in Norwich. I do not know whether he acts professionally for General Windham or the Marquis of Bristol.

By Mr. Coleridge—I know that Mr. Hansell is receiver of the estate, acting for Captain Henry Windham. I do not know for a certainty that General Windham is one of the trustees. I am not aware that Mr. Hansell and General Windham were over the estate the day before Mr. Windham came of age.

Re-examined by Mr. Chambers.—I carefully marked every tree, oak and others, which I thought ought to be cut down. A contract which stipulated that oak timber trees should be paid for at the rate of 12d. per cubic foot, string measure, for all above 13 inches square, and 8d. per cubic foot for all under 13 inches square, would not be a reasonable agreement. The sum to be paid for trees above

13 inches square would be 1s. 6d. per foot below the average market price, and the sum to be paid for trees under 13 inches square would be about 10d. per foot below the average market price. I should say that 6d. per cubic foot for all other kinds of trees about 14 inches square would be rather too little. The market price would be about 2d. per foot more. [It was understood that Mr. Chambers in asking these questions was quoting from the contract signed by Mr. Windham.] I marked all the small trees which I thought ought to be taken out. When I went over the estate I did not find that other persons had marked any of the trees.

By Sir H. Cairns.—I cannot tell you what a fair average price per foot would be, supposing a purchaser were to bind himself to take all the trees of every kind on the estate. The Fellbrigg estate consists of about 3,000 acres. All the timber is in the park, and at the back of the hall.

By the Jury.—So that, if all the trees had been cut down, Fellbrigg would have been left a barren spot near the seashore. I think Mr. Windham is very incompetent to manage a property.

SERGEANT OLIVER OF A DIVISION, METROPOLITAN POLICE.

Sergeant Oliver of the A division said, I have known Mr. Windham for about eighteen months, and have frequently seen him in night-houses in the Haymarket and its neighbourhood. He was generally in the company of prostitutes, screeching, shouting, and making merriment for the bystanders. He used to address me as "old fellow," and once seriously invited me to a champagne dinner. He told me that when he came of age he would give a grand treat to the police. He always appeared very excitable, and I treated him as I would a schoolboy. At the volunteer dinner at Wimbledon in July last Mr. Windham got on the top of a post near the principal entrance, and shouted and swore, and uttered other kinds of offensive language while ladies were passing in their carriages. I remonstrated with him, and persuaded him to go away. On one occasion, about ten o'clock at night, while a section of police were crossing Jermyn-street, Mr. Windham drove up in a phaeton in a furious manner, and the men were obliged to scatter themselves as quickly as possible. He cried, "— your — eyes ; get out of the way, or I will run over you," and kept straight on. I saw him alight in Duke-street, but upon being asked for an explanation of his conduct he merely said, "Oh, it's all right, old fellow ; it's only me." (A laugh.) He appeared much excited, and I took no further notice of him, because I considered him a person of unsound mind and treated him as such. One morning at three o'clock, about twelve months ago, I met him in the Haymarket. He was crying like a child and slavering at the mouth. Some girls were following him, and I took him down a by-street, and wiped his eyes, cheeks, and mouth, which were all in a slobbering state. All he said was, "My girl has run away from me," or something to that effect. I did not think him capable of managing himself or his affairs.

In cross-examination Sergeant Oliver said, to the best of my recollection I first met Mr. Windham in the summer of 1860. At that time I used to see him three or four times a week in the Haymarket night-houses. His practice was the same during the first half of the present year. It was probably the race time when Mr. Windham drove through the police in a phaeton.

Re-examined by Mr. Chambers.—Mr. Windham did not act like other young men in the Haymarket. He yelled and shouted, cried like a cat, howled like a dog, and made himself a perfect buffoon. The women ridiculed him more than others.

By the Jury.—If I had heard that Mr. Windham had committed a murder, or something of that kind, I should not have been surprised, because I have always looked upon him as a person of unsound mind, and one who could not be held responsible for his acts.

The inquiry was again adjourned.

NINTH DAY—SATURDAY, DEC. 29.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners ; Mr. Charles Russell for Lady Sophia Elizabeth Ginbilei, the mother of the alleged lunatic ; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham ; and Mr. Coleridge, Q.C., for Mrs. Windham.

The Master, on taking his seat on the bench, said that to write private letters to any one exercising judicial functions was most improper, almost amounting to a misdemeanour. He trusted that he should not have occasion to refer to the subject again.

Mr. W. F. Lawrence produced a timber contract, dated the 25th of October, 1861, and purporting to be signed by Mr. Windham.

Mr. Chambers asked his learned friends on the other side to acknowledge the genuineness of the signature, but they refused to do so, whereupon

Mr. Hansell, solicitor in Norwich, was called upon, and proved the handwriting of Mr. Windham.

The clerk then read the contract as follows :—

“October 25, 1861.

“William Frederick Windham, Esq., of Fellbrigg-hall, Norfolk, agrees for himself, his heirs, successors, and assigns, to sell to William Francis Lawrence and Walter Joseph Fry, of 10, New Broad-street, London, the whole of the timber which may be cut on his Norfolk estates during the next four years to the extent of not less than £5,000 per annum, and on the following conditions :—The oak timber trees to be paid for at the rate of 12d. per cubic foot, string measure, for all above 13 inches square, and 8d. per cubic foot for all oak timber trees that may be under 13 inches square, and for all other kinds of timber trees about 14 inches square at 6d. per cubic foot. The trees to be taken by the buyers as they now are and stand, the lop and top branches and bark to be the property of the buyers in consideration of their paying all expenses for felling, &c. . . . The measurement for the girth to be taken (clear of the bark) at two-thirds from the butt-end of the tree, and for the length, by two parties to be appointed, who are to choose an umpire before they begin to work, to decide in case of dispute. Mr. Windham agrees to give free ingress and egress to the buyers, their men, horses, &c., for the above purposes, and to let them a piece of land of four or five acres at the rate of £1 per acre. This contract only to be binding on the payment of £1,000 into the hands of Mr. Windham, and the remainder in monthly payments of £350 per month, commencing from January, 1862. Timber trees which may be required to be cut down, and which are under 10 inches square, to be agreed for afterwards, as the above contract does not contemplate any trees being cut down of small size unless absolutely necessary.

“W. F. WINDHAM.

“Witness to the signature of W. F. Windham, Esq. :—

“AGNES WINDHAM.”

MR. H. SANDFORD, LAND AGENT AT CROMER.

Mr. Henry Sandford.—I am a land agent at Cromer. For the last ten years I have been in the habit of valuing timber on the Fellbrigg estate. The proper value or market price, per cubic foot, of oak timber trees, above thirteen inches square, string measure, is about 3s. and not 12d. I will undertake to find a purchaser at 3s. It is not a fair and reasonable mode of measurement for the girth to take it at two-thirds of the length from the butt end of the tree. That would give an advantage to the buyer of about twenty-five per cent. The “lop and top,” without the bark, would pay the expense of felling, I believe that the effect of selling timber off the Fellbrigg estate to the value of £5,000 per annum for four years would be to clear the ground entirely, and leave the house bare.

Cross-examined by Sir H. Cairns.—I have bought beech and fir felled on the Fellbrigg estate, but not oak. The extent of my purchases of beech has not exceeded £50 or £100 a year. I have bought fir to the value of £30 or £40 at a time. During the last few years I have sold for the owner a great deal of timber off the Fellbrigg estate. In 1860 I sold 250 loads of oak—windfall timber—for £5 a load. In 1861 I sold about 30 loads at the same price. That was clean timber, or trees clear of the bark. There is a considerable number of beeches, chestnut, and firs on the estate. The beeches are principally in the ornamental part of the grounds. During the last two years the market for all kinds of timber except oak has been glutted in consequence of the great hurricane in 1858. The Fellbrigg beeches might be sold at 6d. per foot, the purchaser to fell and take the faggot wood. I have known from £100 to £150 worth of beech sold off an estate similar to Fellbrigg in one year. That is the largest quantity I have known sold in twelve months. Some of it was used for piles in constructing a breakwater. I have sold £100 worth of beech per annum for five years off an estate belonging to Lord Suffield. The trees

were selected with a view to thinning the timber, and not because they were the best trees. I do not know what would be the expense of carting timber from Fellbrigg to Norwich. I cannot say how many cubic feet there are of beech, of fir, or of oak on the Fellbrigg estate. When I stated that oak could be sold at 3s. per foot, I meant simply the market price of oak without any reference to any other stipulations of a contract. I cannot say what would be a fair or reasonable price per foot for all the fellingable timber of every kind on the Fellbrigg estate. Some of the beeches in the park at Fellbrigg are over ripe, and are more valuable as ornaments than as timber. I have not been in the habit of selling timber to Government and I am not acquainted with the terms of Government contracts. I usually sell to middlemen, and the Government contractors come and select what they want. The largest quantity of timber I ever sold was off the Hanworth estate, one of the Windham settled estates. It was all oak timber, and was sold for £5,000. The sale was made about five years ago, when the price was about the same as at present.

Re-examined by Mr. Chambers.—If that part of the contract which stipulates that for four years, to the extent of not less than £5,000 per annum, timber may be cut down, were carried out, all the beech trees on the Fellbrigg estate would be levelled. The larger portion of the beeches are ornamental timber, and the effect of felling them would be to destroy the beauty of the estate entirely. About half of the chestnuts are ornamental. There are only a few sycamores, but they are ornamental where they stand in the open. I believe, however, that the larger proportion are in the wood. I have never known so large a contract as £5,000 per annum for four years being made in Norfolk. It is not judicious to make an agreement on the basis of prices during a temporary glut of the market. I believe there will be a better market in 1862 for beeches, chestnuts, and other kinds of timber.

By the Jury.—I am satisfied that the “lop and top,” without the bark, would pay the expense of felling. There is a large number of young trees on the Fellbrigg estate. They ought to stand fifty years longer before being cut down. I do not think the Fellbrigg estate requires a large clearing out of its timber. If the contract signed by Mr. Windham were carried out, there would be very little timber left for the ordinary estate.

By the Master.—Fellbrigg-hall is a large house, and the trees around it are picturesquely dispersed. The park is about 700 or 800 acres in extent; it is partially grazed. There are no deer. The pasture of the park is let with the arable land. The ornamental timber stands in that portion of the park which is nearest the mansion-house.

SERGEANT KAY, C DIVISION, METROPOLITAN POLICE.

Sergeant Kay, of the C division, said he had known Mr. Windham for twelve or eighteen months, and had often met him about the Haymarket and its neighbourhood. On those occasions Mr. Windham was in the habit of catching him by the arm, addressing him as “old fellow,” laughing, and throwing himself into a fighting attitude. He was always very noisy, and indulged in strange bursts of laughter without any apparent cause. Sometimes he would seize hold of persons in the streets, and order witness to take them in charge. Witness would say, “Oh, nonsense,” and Mr. Windham would then burst into a foolish laugh. The men whom he would thus attack knew him pretty well, and seldom took any notice of him. On the 13th of October witness met Mr. Windham in the Haymarket between twelve and two in the morning. Mr. Windham said, “Well, old Kay, I would treat you, but I have no money.” He then put his hand into his pocket, and took out what witness thought was a £10 note, and immediately broke into one of his unmeaning laughs. He attracted the attention of the people in the street, and witness, advising him to take better care of his money, at length induced him to go home. On another occasion last summer, while visiting one of the flash-houses in Panton-street, witness found Mr. Windham talking with the landlady at the bar. He pointed his finger at witness and cried “Here are the Bobbies;” and when witness turned to leave the house Mr. Windham struck him violently with a whip or stick on the back. Witness shook his head at him, but he merely laughed at him in his usual way. The reason why witness did not take him into custody was that he did not think he was right in his head. None of the police ever took any notice of him.

Cross-examined by Mr. Karslake.—It was between twelve and three in the morning when witness saw Mr. Windham in the house in Panton-street. Witness did not know whether he had dined, but he never saw him the worse for drink. When

witness advised him to take care of his money, he put the note which he had been flourishing about his head into his pocket, and walked away.

MR. WHITESIDE, CORNET, 18TH HUSSARS.

Mr. Whiteside.—I am a cornet in the 18th Hussars. I was slightly acquainted with Mr. Windham at Eton. He used to laugh, shout, and scream without any apparent cause or object, and the boys called him "Mad Windham." His dress and person were always very dirty. In August, 1859, I was at Lucerne. Mr. Windham came up to me, slapped me on the back, and asked to be allowed to travel with my party. His request, when backed by Colonel Bathurst, was acceded to, and Mr. Windham travelled with us for rather more than a fortnight. There were two ladies in the party. Mr. Windham was always filthy in his person. He had a railway whistle, and used to blow it when the party started in carriages, or on mules in the mountains. At meals he hooted, and laughed, and shouted so as to frighten people. His manner of eating was most offensive. When laughing the food would fall from his mouth, but he generally took it up again and put it back into his mouth. He slavered at the mouth. I have heard him shouting and howling at dinner when 100 people were present. Apologies had frequently to be made for his conduct. He used to insult strangers—foreigners and others—by pointing his finger at them, and making remarks about their dress and personal appearance at dinner. He often swore in the presence of ladies, and on one occasion he called out to me in a public room, "Oh! you be ——." I had been merely trying to prevent him tripping up a waiter who was carrying plates across the room. When travelling in the mountains on mules Mr. Windham frequently called the attention of the ladies to the animals in an indecent way. The party tolerated him so long out of sympathy with Colonel Bathurst. I believe him to be an imbecile, or idiot.

Cross-examined by Mr. Karslake.—I spoke to Mr. Windham at Eton, but we did not belong to the same set. I do not know that Mr. Windham has a malformation of the mouth. His voice was always loud and peculiar. I attribute his slobbering not to any malformation, but to his holding his mouth open. He used to swear a good deal at the guides abroad. I never heard any one called "mad" at Eton except Mr. Windham. It is not usual for tourists in Switzerland to wear their best clothes, but Mr. Windham was always much dirtier than any English traveller I ever met with. I was not aware that Mr. Windham was abroad against his will. His offensive comments upon the foreigners were always in English.

Re-examined by Mr. Chambers.—Some of the foreigners, judging from their angry looks, seemed to understand his remarks, although they were in English. His observations were applied to ladies as well as gentlemen, and to English people as well as foreigners, and they were accompanied by pointings of the finger.

By the Master.—I never saw him get into a personal difficulty abroad. Colonel Bathurst was very uneasy about him.

JOSEPH FORD, LATE GUARD OF THE EASTERN COUNTIES RAILWAY.

Joseph Ford.—I was formerly in the service of the Eastern Counties Railway Company. I knew Mr. Windham, who was in the habit of travelling down to Norwich by the night mail. On the 24th of August last he accosted me on the platform at Shoreditch, and gave me a carpet-bag, saying there were champagne bottles in it. He came into my van at Broxbourne, and as soon as he got in put on a greatcoat and railway belt belonging to me. I had a friend with me in the van at the time. Mr. Windham worked as guard all the way down to Norwich. During the journey three bottles of champagne and one bottle of sherry were drunk in the van—more than a bottle a-piece. Mr. Windham talked very foolish and low language all the way down. He showed me two rings, asking me whether I thought they were good ones. He said "his missus as was to be" had given them to him; he had been with her, he added, all the afternoon. He did not mention her name. One day in September Mr. and Mrs. Windham and a strange gentleman went down with me in the night mail train. All three got into the same carriage at London; they were alone. At Ponders'-end, the first stopping station from London, Mr. Windham came into my van, and told me that the gentleman in the carriage with his wife was a Mr. Roberts, who had a letter which he wanted me to post. He requested me to look after Roberts, who was "a —— good sort." Roberts, he said, was going down to Norfolk with his wife as a friend of hers. At Broxbourne he asked me to lock Roberts and Mrs. Windham in the

carriage, and as I was passing along the platform Roberts himself looked out of the window and requested me to lock the door. I did so. I observed that Roberts and the lady had a large dressing-case, which they had put in the middle of the carriage, and covered with cushions so as to form a bed. Mrs. Windham drew down the blinds of the window. At nearly every station Mr. Windham saw the state of the carriage, but never interfered. So things continued until the train arrived at Norwich. From Ely to Norwich Mr. Windham rode upon the engine. I have frequently seen him acting as guard, working the train right through. He had several railway whistles, and always used them. He frequently started the train by blowing the whistle. His language was always very bad—profane and filthy. He used to talk about the “missus” he was going to have.

Cross-examined by Sir H. Cairns—I never saw any one interfering with him on the railway. I have seen him working the levers of the engine with the driver alongside of him. He had a very good memory about the times of starting the trains. He told me to lock the carriage-door, in order that Roberts and Mrs. Windham might not see where he was or what he was doing. Guards are not allowed to take passengers into their vans.

By Mr. Coleridge—People travelling by the mail train at night are in the habit of making themselves comfortable in the first-class carriages.

Re-examined by Mr. Chambers—Roberts gave me half-a-sovereign at Norwich for keeping the carriage-door locked.

By the Jury—I was not discharged by the company. I left them because I was offered, and accepted, a better situation as railway guard at Melbourne, in Australia. I spoke to Mr. Windham about Roberts and his wife being locked in the same carriage together. He only laughed. I have frequently got “tips” for locking carriage-doors so as to prevent passengers from entering. The largest I ever got before Roberts gave me half-a-sovereign was 5s. It is contrary to the rules of the company to allow persons unconnected with the railway to get into the guard’s van or upon the engine.

A Juryman—I trust that after what we have heard to-day, railway companies will in future be more careful of the lives intrusted to their charge. They ought to see that their rules for the working and management of trains are strictly observed by their officers. (Applause.)

Mr. Chambers—We have communicated on the subject with the Eastern Counties Company, and they have informed us that they have taken measures for the prevention of irregularities in future.

Sir H. Cairns—The company have also published some letters with reference to this proceeding, which they had better have kept to themselves.

The Master.—I hope this discussion will not be carried further. We are here to inquire into the state of mind of Mr. Windham, and not to investigate the conduct of a railway company.

MR. JOSEPH GOODY, INSPECTOR, EASTERN COUNTIES RAILWAY.

Joseph Goody.—I am a district inspector on the Eastern Counties Railway. I know Mr. Windham. On Tuesday the 3rd inst., I saw him at the Haughley station on the Eastern Union line. It was the day of the Bury cattle fair, and I was directing horse-boxes and cattle vans to be attached to the rear of the trains. While so engaged I heard a whistle, and, on looking up, saw a train in motion. The same moment I noticed Mr. Windham coming up the platform, wearing a railway greatcoat and belt, and carrying a whistle in his hand. He was in the act of putting the whistle to his mouth a second time, when I struck it away. Had he succeeded in blowing the whistle a second time the train in motion would have stopped, and it would have been run into by an approaching train. When the guard came up I asked him where his belt was. Without answering me, he said to Mr. Windham, “I told you not to take my belt; Mr. Goody will report me for letting you have it on.” I told Mr. Windham he had no right to be about the line, and asked him to get into a carriage. He replied, “Oh, you be —; I am your master.” It was quite dark, and he ran down to the further end of the train, unlocked a carriage-door with a key he has, and got in. At Stowmarket, the same night, the train was driven a little a-head of the platform. Some one blew a whistle, and the driver put back. As the people were getting out of the carriages I endeavoured to signal the driver to stop the train, but before I could do so one or two of the passengers fell and hurt themselves, though not severely. I saw Mr. Windham at the station. On the 9th of July,

at Colchester, my attention was attracted by a peculiar shrieking of the steam-whistle of the engine. I found Mr. Windham on the engine. I asked him to leave it, but he refused. I have frequently seen him opening and shutting carriage-doors like a porter, and on one occasion actually saw him turn the handle of a steam-whistle. From what I saw of him I came to the conclusion that he was short in his intellect.

Cross-examined by Mr. Karslake.—I have known Mr. Windham for about twelve months. I have seen him about a dozen times on the railway, and on the engine twice. I am a district inspector, and if I see anything wrong it is my duty to report it. When I saw him on the engine at Colchester, he refused to come off, and rode on it all the way to Ipswich. I did not report the circumstance to any of the local stationmasters. It was not my duty to do so, but I spoke to the superintendent at Ipswich, the end of the journey. I never saw Mr. Windham pull the lever to start the train. Special instructions were given by the directors about Mr. Windham at the time when some law proceedings were taken. It is probable that those instructions were issued before the 3rd inst., when Mr. Windham blew the whistle at the Haughley junction. I reported the driver who allowed Mr. Windham to ride on the engine from Colchester to Ipswich in July. He was fined, but the special instructions were not issued till long afterwards. It is a common practice for gentlemen to carry keys for opening carriage doors.

By the Jury.—I would not allow a person whom I did not know to remain on the engine, though I am not sure that I would take him off by force. Some have a licence to go upon the engine. I left Mr. Windham on the engine at Colchester because I thought he would get off, as he had done when spoken to on other occasions.

William Bradley, the guard on duty at Haughley when Mr. Windham blew the whistle, stated that the greatcoat which Mr. Windham wore on that occasion was his own. It was similar to those actually worn by railway guards. Mr. Windham took the belt from the guards' van while witness was engaged on the platform.

Cross-examined by Sir H. Cairns.—When Mr. Windham was at Eton witness was a guard on the South-Western line. At that time Mr. Windham was in the habit of riding with the guards in their vans. Other Eton boys did the same.

MR. ROBERT WHEELER, MANAGER OF THE EUSTON HOTEL.

Mr. Robert Wheeler, manager of the Euston Hotel, related how Mrs. Windham, accompanied by a French maid, came to the hotel on Monday, the 4th of November, and engaged apartments; how, on the evening of the same day, Mr. Windham called with a Mr. Gwin and insisted upon seeing his wife; how, when Mr. Windham was admitted to the room in which the lady was dining with a gentleman, supposed to be her solicitor, witness heard a noisy altercation. After a while, all became quiet, he proceeded, and the gentlemen went away together about 2 o'clock in the morning, and Mrs. Windham remained and slept in the house. The lady staid in the hotel three days, and during that time Mr. Windham dined with her more than once along with two or three other gentlemen. One day he endeavoured to get into her bedroom, but she would not allow him, whereupon he made a terrific noise. I was at last obliged to signify to the lady by letter that I could not permit her to remain in the house. A *fracas* took place one evening when Mr. and Mrs. Windham, Mr. Gwin, Mr. Berry Hutchinson, and a Dr. Neil dined together. Mr. Windham came running down the stairs, yelling at the top of his voice, and as soon as he saw me he cried out, "They are killing a man in the room; they have knocked out his eyes, which are hanging down his cheeks, and the blood is flowing from him like rain." I knew Mr. Windham, and did not place much confidence in what he said, I therefore taunted him with his cowardice in running away while a murder was being committed; whereupon Mr. Windham began to boast of his pugilistic powers, and to relate in extravagant terms how severely he had punished the offender upstairs. When I went up to the room I found Mr. Berry Hutchinson lying on the sofa and making a great noise, but that gentleman immediately afterwards rolled on to the floor, and appeared to be very much hurt. He declared that Dr. Neil had thrown a bottle or tumbler at his head, that he had himself taken pieces of the glass out of his eyes, and that he would never be able to see more. I became seriously alarmed, but upon lifting Mr. Berry Hutchinson into a chair and examining his face and head, I failed to discover the slightest scratch or the least appearance of blood. Eventually, however, Mr. Windham brought the police, and Dr. Neil was carried off to the stationhouse. Next

morning the case was compromised in some way or other, and it never came before the magistrate. I spoke to Mr. Windham in very strong language about his wife and her conduct, telling him, among other things, that she evidently loathed him and I was surprised he had not sense enough to perceive it. Mr. Windham made some foolish remark, laughed in an idiotic manner, and did not seem to understand the meaning of what was said to him. "From what I have seen of him," added Mr. Wheeler, "I believe him to be a mere child—an imbecile, with the body of a man, but none of the stature of a man in his mind. He is not capable of taking care of a £10-note."

In cross-examination, Mr. Wheeler stated that General Windham called once or twice at the hotel to see either his nephew or Mrs. Windham. On the morning after the *fracas* Mr. Windham told me that he had received a note from Dr. Neil, asking him to come to the stationhouse and bail him out, and he asked me to go with him to the police-office to see what it was all about. At the police-office the General conversed with Dr. Neil, but I did not hear what passed between them, nor did I know that Mr. Berry Hutchinson was paid a sum of money for not proceeding with the charge. I had been told that the *fracas* arose from Dr. Neil having introduced himself to Mr. and Mrs. Windham as a friend, whereas in reality he was a spy in the employment of General Windham. The General and Dr. Neil breakfasted together at the hotel after returning from the police-office, while Mr. Berry Hutchinson, who had driven to the hotel with myself in a cab, waited on Mrs. Windham in her apartments. On the same day I accompanied General Windham to Mr. Field's office in Lincoln's-inn-fields, and there made an affidavit. I never heard the General say he had told his nephew that if he would put his property in trust he would let him alone. I never heard him utter words conveying that sense, or anything like it. The General told me he was willing to make any sacrifice to save his nephew, and he referred to some offer which he had made for that purpose, but I do not recollect what it was. All I remember is that it was intended for Mr. Windham's good.

JAMES HUDSON, POLICEMAN, NORFOLK.

James Hudson, a policeman in Norfolk, stated, on one occasion Mr. Windham told me he had done duty as a policeman in London. He said he had apprehended a man for robbery and taken him to Vine-street station. I knew him to be a gentleman, but had heard him tell some rough characters that he was a detective especially employed.

The witness was cross-examined as follows:—

Sir H. Cairns.—Surely you have not come all the way from Norfolk to tell us so little?

Witness.—I don't know anything about that, Sir.

Mr. Coleridge.—Mr. Hudson, having cost £100, you may now go.

Mr. Chambers.—Since these observations have been made, I may say that, in my opinion, the witness has given most important evidence, as I will be prepared to show at the proper time.

The inquiry was again adjourned.

TENTH DAY.—MONDAY, DEC. 30.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbriegg-hall, Norfolk, was resumed this day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Gimbilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

MR. REYNOLDS, SOLICITOR, GREAT YARMOUTH.

Mr. Reynolds.—I am a solicitor at Great Yarmouth, and have known Mr. Windham for the last eighteen months. On the 26th of August I travelled from London by the mail train at night. I saw Mr. Windham at the Cambridge-station. He was dressed in the costume of a railway guard, with pouch, belt, and whistle. He opened the door of the carriage in which I was seated. I said to him, "Windham, how can you make such a fool of yourself?" He replied, "I must see that these fellows do their work properly." Then he added, without any pause, "I am going to be

married next week." He blew the whistle for the train to start. At Ely, where the train stopped for twenty minutes, I saw him in the parcel van; he was sorting the parcels for Ely and Peterborough, and delivering them to the porters on the platform. When it was time for the train to start he called upon the passengers to take their seats. He did the same thing at every station down the line. Nobody interfered with him. At Norwich I said to him, "Windham, are you going on to Yarmouth?" He replied, "No, I must turn in for an hour or two, as I have to work the Parly train up at six in the morning"—meaning the Parliamentary train. In April or May, 1860, he called at my office at Yarmouth to make an affidavit relative to some Chancery proceedings. I lost sight of him for a day or two, and when I saw him again he told me that he had been driving the trains from Lowestoft to Beccles, a distance of ten miles. He was in a very excited state and blubbing like a child. Mr. Horrocks, his tutor, had come down for him, and I advised him to accompany that gentleman to London to see his guardians. They went off the following morning. From what I have seen of Mr. Windham I believe him to be excessively weak in his mind. His conversation is incoherent, and I do not think he is at all capable of managing himself or his affairs.

Cross-examined by Mr. Karslake.—Mr. Windham swore an affidavit before my partner, not in my presence, but with my knowledge. I saw the draught of the affidavit. It was copied in my office. That is the only business transaction I ever had with him. I saw him before the Vice-Chancellor on the business to which the affidavit related. It was a private hearing. I did not hear Mr. Windham tell the Vice-Chancellor that Mr. Horrocks had knocked him down and ill treated him, nor did I hear Mr. Horrocks say that he had no answer to make to the charge. I heard all that passed, but I do not recollect what was said. I did hear Mr. Horrocks remark that he had nothing to say, but that was in answer to a question from the Vice-Chancellor, whether he was willing to remain as tutor with Mr. Windham. When Mr. Windham came to me to make an affidavit he had been at Yarmouth for a month, and I had seen him walking about in a militia uniform. I cannot say whether he was doing duty as a militia officer. Before I saw him crying in the way I have described Mr. Horrocks had had an interview with him, but I do not know what passed between them. The only occasion on which I have spoken to him since was the time when he acted as a guard on the railway. There was a regular guard with the train. When Mr. Windham came to my office I consulted with my partner, and we considered that the responsibility of the affidavit would rest with the solicitor who might use it in the suit and not with ourselves. I once met Mr. Windham at a private musical party. He stood on the stairs the whole evening, making very absurd noises, and conducting himself altogether in a very strange way. I never suggested that the affidavit prepared in my office should not be used, but my impression is that it was not used. Mr. Windham brought me the heads of it in a letter from his mother.

By Mr. Coleridge.—I was before the Vice-Chancellor from the beginning to the end of the hearing. Lady Sophia did not produce any letters. I saw no letters delivered to the Vice-Chancellor at all.

Re-examined by Mr. Chambers.—I saw Mr. Windham at a public ball in Yarmouth. He was very noisy in the room, rushed about in a strange way, and burst out laughing apparently without any cause. He attracted the attention of everybody present. His laugh was not like that of a reasonable being. He appeared to be unable to control it.

By the Master.—When I saw him crying I asked him the reason, but he gave me no answer. The draught of the affidavit was read to him. He made no remark upon it. When before the Vice-Chancellor he was very quiet.

By the Jury.—I told the porters at Ely that it was disgraceful to allow Mr. Windham to act as a guard. That was the whole extent of my interference.

CHARLES BROWN, A DIVISION, METROPOLITAN POLICE.

Charles Brown, 304, A division of the Metropolitan Police, said, I know Mr. Windham, and have often met him in the Haymarket and its vicinity. His conduct was always that of a man of weak intellect or unsound mind. He used to shout in the streets, and once or twice he wanted to lock up women without reason. He said there were too many women about the Haymarket, and he would not stand it any longer.

Cross-examined by Sir H. Cairns.—There is more shouting about the Haymarket

than in any other part of London. I first met Mr. Windham at Epsom races ; but there was nothing peculiar in his conduct there.

Re-examined by Mr. Chambers.—Mr. Windham was always different from the other young men in the Haymarket. He would laugh without cause, and his laugh was not like that of a sensible man.

By the Jury.—The women whom he wanted to lock up would say to him, "Go away, you fool ; you are not right in your head."

[Before the next witness was called a brief discussion took place upon a technical point of no public importance. In the course of it Mr. Chambers remarked that his learned friends on the other side had done everything they could do to prolong the inquiry. Sir Hugh Cairns, with some warmth, denied the statement, and Mr. Chambers was about to retort, when the Master interposed, and, after reminding counsel that they were gentlemen of great eminence engaged in a difficult, delicate, and painful inquiry, and acting under the eye of the public, begged that they would carefully avoid anything like an ebullition of feeling. The upshot was that Mr. Chambers withdrew his statement, Sir Hugh Cairns expressed himself perfectly satisfied, and the business proceeded.]

MR. HANSELL, SOLICITOR FOR THE PETITIONERS.

Mr. Hansell.—I am solicitor for the petitioners, and since January, 1859, have acted as receiver of the Windham estates under Captain Henry Windham. The total rental of the Fellbrigg estate is £3,187, but that is subject to a charge of £1,500 a year, payable to Lady Sophia. There are other deductions, such as rates taxes, and repairs, amounting on the whole to about £400 a year. The net rental, therefore, is between £1,000 and £1,200. If Mr. Windham were to let the hall and shooting, he would get about £300 a year more. But there are other estates which will not fall into his possession until October, 1869, they having been devised by the late Mr. Windham to pay off mortgages amounting to £160,000. An estate near Sudbury has been sold for £65,000, to assist in paying off the encumbrances. In 1869 the gross rental of the devised estates will be £9,250 per annum, and the net rental £7,250. I calculate that in 1869 mortgages will remain to the amount about £60,000. The annual interest will be £3,000, leaving a net available income from the devised estates of about £4,000. I went to Fellbrigg-hall on the 8th of August with Mr. Windham and Mr. Jackson, the gentleman appointed by the Vice-Chancellor to act as solicitor for Mr. Windham. General Windham, who was living in the neighbourhood at the time, dined with us the same evening. He returned home after dinner, but came back to the hall next morning, which was the morning before Mr. Windham came of age. I remember a proposal being made that morning to Mr. Windham, on the part of General Windham, by Mr. Jackson. We were all in the library—Mr. Windham, General Windham, Captain Henry Windham, Mr. Jackson, and myself. Mr. Jackson said that in consequence of the small amount of the income from the Fellbrigg estate Mr. Windham could not live there. He therefore proposed, provided all parties interested would agree, that an application should be made to the Court of Chancery, either under the Settled Estates Act, the Enclosure Act, or a special Act of Parliament, for an order to the effect that Fellbrigg-hall, the books, furniture, plate, and ornamental timber should be valued and put into the same trusts as the devised estates ; that land, part of the devised estates, should be taken out of the trusts and become the property of Mr. Windham as tenant in tail—the same tenure as that by which he now holds the hall ; and that a lease of Fellbrigg-hall and park should be granted to Mr. Windham at a nominal rent to the 11th of October, 1869. General Windham said, "Anything you propose, Mr. Jackson, for the benefit of my nephew and the estates I will agree to. I am willing to make any sacrifice myself." Mr. Windham did not seem to comprehend the proposal at all, and therefore Mr. Jackson said, "Leave him to me," or something to that effect. We then left the library. Later in the day I saw Mr. Windham with Mr. Jackson, who, in his presence, said to me, "I can't make anything of him." We told him that under the proposed arrangement his income would be much increased. He made no answer except, "I can't cut down my trees." Mr. Jackson then said, "Yes, you can, but not ornamental timber." Mr. Windham has only a life interest in the devised estates. His children, if any, would succeed, but in the event of his dying without issue General Windham would come into possession. As to the Fellbrigg estate if Mr. Windham should not bar the entail and should die before 1869, it

would become part of the devised estates, and subject to the same trusts. Under the proposal made by Mr. Jackson, should Mr. Windham bar the entail of the land given to him, the effect on General Windham would be to reduce his ultimate income in the same proportion as that of Mr. Windham would be raised—viz., to the extent of about £600 per annum. There would also be a less rental applicable to the payment of the debts on the estate.

Cross-examined by Mr. Karslake.—On the day he came of age Mr. Windham could bar the entail of the Fellbrigg estate. The proposal made to him by Mr. Jackson would have deprived him of that power. He was to become tenant for life of Fellbrigg, the ancestral seat, and impeachable for waste. For every piece of property about the hall, including furniture and plate, he was to get land out of the devised estates, and the value was roughly estimated at between £80,000 and £90,000. Under the proposed arrangement, while Mr. Windham would have become only tenant for life of Fellbrigg, General Windham would have obtained possession of it for a certainty upon the death of his nephew. I went to Fellbrigg-hall at the request of Mr. Windham, who called at my office and told me that he intended to take the advice of the Vice-Chancellor and his uncle, that he had appointed Mr. Jackson his solicitor, and that that gentleman was going to take the management of everything. I believe that Mr. Jackson was recommended by General Windham and Mr. Hook, but I do not know it for a certainty. General Windham told me that he introduced his nephew to Mr. Jackson himself. Mr. Windham drove Mr. Jackson and me over to the hall. At dinner we had, besides the General, Mr. Rothschild, Captain Windham, and Mr. Bragg. When the proposal was made no accurate estimate had been taken of the value of Fellbrigg as compared with the land to be given to Mr. Windham out of the devised estates. On the day Mr. Windham came of age I, as receiver, had £800 in hand. That sum has not been paid to him; in fact, he has never had a penny from me. However, he has received money under the timber contract, and he has anticipated his rents. The mortgages on the devised estates were accumulated by the late Mr. Windham. On the full sum of £160,000, the interest was £5,495, and the gross rental of the devised estates was £11,758. A small portion of the debt was paid off before the sale of the Sudbury estate. The excess of rental over interest at present is £6,263, and I calculate that, after allowing for repairs and other expenses, we can save about £4,000 a-year. Certain sums arising from accumulations have been paid into court. I believe the £65,000 obtained for the Sudbury estate has also been paid into court. In 1859 the total receipts, including some arrears, from the devised estates were £12,474 7s. 1d., and the total outgoings, including interest and repairs, £8,041 9s. 4d., leaving a balance of £4,432 17s. 9d. The balance in 1860 was £4,534 19s. 6d., and I have every reason to believe that in the current year the excess of rental over expenditure will be about the same. I am just having the farms on the devised estates valued. I do not think they will let for higher rents than at present. General Windham was down in September. I do not know that he has a piece of property somehow or other mixed up with the Fellbrigg estate. He did not tell me that he had been at Fellbrigg-hall, trying to negotiate the sale of that piece of property to his nephew. He said he had been at Fellbrigg-hall, but he did not inform me for what purpose.

Re-examined by Mr. Chambers.—The reason why I did not pay to Mr. Windham the £800 which I had in hand when he came of age was, because an order had been served upon me for the payment of certain sums due to other persons.

By the Jury.—I was certain when Mr. Jackson explained the proposal in the library that Mr. Windham could never be made to understand it. At the same time, if he had understood it and agreed to it, I should have accepted it as binding. It would not have been right to make such a proposal to him if he had been quite alone, without a solicitor or a friend to advise him; for, as I have said, he could not have been made to comprehend it. He is not capable of managing a property.

Mr. Bowen May, solicitor, produced a marriage settlement, dated the 29th of August, 1861, and signed by Mr. Windham. It was not read.

MR. NURTON, PRINTER, PADDINGTON.

Mr. Nurton, a printer in Paddington, proved the printing of 5,000 copies of a handbill signed by Mr. Windham, and calling upon "the people of Great Britain" to come forward and defeat the conspiracy to defraud him of his property. The order was given by Roberts at his house in Piccadilly, but I saw Mr. Windham, who

said he intended to have the placards exhibited all over London. The printing expenses have not been paid.

Cross-examined by Sir H. Cairns.—The manuscript was returned to Roberts. It might have been in his handwriting. I have known Roberts for about 10 years.

MR. DORE, MR. EMMANUEL, THE JEWELLER'S, SALESMAN.

Henry Dore, salesman to Mr. Emmanuel, a jeweller in Brook-street, said that Mr. Windham first came to that establishment on the 29th of June last, accompanied by Agnes Willoughby. He repeated his visit on several subsequent occasions, buying jewellery to the amount on the whole of £13,785. Between the 13th and the 25th of August his purchases amounted to £4,163 18s. 6d. The account for the period between the 11th and the 18th of October was £5,419 16s. 1d. Witness produced acceptances by Mr. Windham for £13,060 14s. 6d. Five were dated the 11th of October, and amounted to £6,500. Five were dated the 18th of October, and amounted to £5,408. One of these for £1,500 has been dishonoured. Two were dated the 5th of November, and amounted to £752.

Cross-examined by Mr. Karslake.—The dishonoured acceptance was due on the 21st inst. Mr. Windham and Agnes Willoughby generally called together. Most of the purchases were presents to the lady. Mr. Windham always looked carefully at the articles before he bought them, and frequently cavilled at the price. Sometimes he said he could not afford to buy an article pointed out to him by the lady. Once he remarked that he wanted to lay out as little money as possible on mere workmanship; but precious stones, he said, were always valuable. I wanted him to make the acceptances all for six months; but he said he would prefer them extended over a longer period, and so the business was arranged. On one occasion Mr. Windham wrote from Fellbrigg-hall, requesting me to go down to look at a musical box and a self-acting organ which had got out of order, and to bring some jewels with me. I took £12,000 worth, and Mr. Windham bought diamond and emerald ornaments to the value of £5,000. One of the articles was a diamond bracelet worth £2,300. Mr. Windham gave up all the jewels to Mrs. Windham to make up a quarrel which had taken place between them some time before. I had provided myself with stamps for bills. Mr. Windham always seemed to understand what he was doing, in making his purchases. It never occurred to me that he was a person of unsound mind.

Re-examined by Mr. Chambers.—The only eccentricity I ever noticed about Mr. Windham was a slight boisterousness. When he came to Brook-street he was generally accompanied by Agnes Willoughby, but he sometimes called alone.

By the Jury.—The purchases made by Mr. Windham before he came of age on the 9th August did not exceed £211. When he paid his first visit to Brook-street there was a gentleman, a private friend of Mr. Emmanuel, in the shop at the time, and he told us who Mr. Windham was, and assured us that we might trust him to the extent of £100 or £200. We should not, of course, have given to a minor so large a credit as we gave to Mr. Windham after he came of age. He frequently refused to buy articles which Willoughby expressed a desire to have, on the ground that they were too expensive. Mr. Emmanuel pays his salesmen fixed salaries, and gives no commission on account of their sales. Mr. Windham would not have got credit to any amount; he had reached his limit. Of course, I pressed him to buy, but not more than is usual. Mr. Emmanuel has not yet received a single farthing from him. It is not uncommon for gentlemen to sign bills before the accounts have been made out and rendered, provided they know the amount due.

By the Master.—Mr. Windham has not applied for any jewellery since the final quarrel with his wife. I knew Miss Willoughby before she came to Brook-street with Mr. Windham. She had previously visited our establishment with another gentleman, who purchased jewellery for her. I always thought that Mr. Windham and Miss Willoughby seemed to be very fond of each other. When Mr. Windham refused to purchase he said, "I can't afford to be ruined for anybody."

DR. ILLINGWORTH, ARLINGTON-STREET.

Dr. Illingworth, of Arlington-street, proved that at the time of his marriage Mr. Windham was suffering from a loathsome disease, and knew, or, at least had been told, that he was not in a fit state to marry. Witness added, I have been present in court during the whole of this inquiry as far as it had yet gone, and the conclusions

I have come to is that Mr. Windham is not a confirmed idiot, but a person of weak mind, incapable of managing himself or his affairs.

Cross-examined by Sir H. Cairns.—I believe substantially the whole of what Mr. and Mrs. Lewellin have said, and it is upon their evidence, among the rest, that I have formed an opinion of Mr. Windham. That opinion is also formed partly upon his appearance in court.

By Mr. Coleridge.—I believe that the imbecility of Mr. Windham is not congenital.

Re-examined by Mr. Chambers.—If I had not seen Mr. Windham in court, my opinion of his imbecility would not have been so strong as it is. No eye, I think, could fail to be attracted by the vacant, senseless, unmeaning expression of his face, especially when seen in contrast with 500 others.

DR. JOHNSTONE, SAVILLE-ROW.

Mr. Johnstone, surgeon, Saville-row, corroborated the evidence of the last witness as to the condition of Mr. Windham at the time of his marriage, and stated that, a few days before that event took place, Agnes Willoughby called at his house and had a conversation with him.

The witness was asked to state the substance of the conversation, but Mr. Coleridge objected to the question on the ground that nothing which passed between Mr. Johnstone and Agnes Willoughby when Mr. Windham was not present could be evidence in this case. The objection was sustained, but Mr. Johnstone was permitted to state, in reply to a question from the jury, that, although his conversation with Willoughby was professional, it had no reference to that person herself.

The inquiry was again adjourned.

ELEVENTH DAY—MONDAY, DEC. 31.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C. one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Millward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Dr. Buck, of Cromer, Norfolk, said—I was sent for to see Mr. Windham at Fellbrigg-hall on the 21st of September. Mr. Windham told me he was suffering from sickness, headache, and a slight diarrhoea. I prescribed for him. He followed me into the hall and had some conversation with me. I called the following day, and found Mr. and Mrs. Windham, Mr. Roberts, and two sisters of Mrs. Windham at breakfast. Mr. Windham told me he was better, but that his throat was a little sore, I asked him whether he could see me alone, but Mrs. Windham came up at that moment and he made no reply. I examined his throat, it was slightly relaxed, but there was nothing wrong with the palate. Mrs. Windham asked me to call again next day. When I went next day I was shown into the billiard-room, and Mrs. Windham came to me there. In consequence of what she said I left without seeing Mr. Windham. I returned at four o'clock the same afternoon, and the servant on opening the door, gave me a letter, which ran as follows:—

“Fellbrigg, Sept. 26, 1861.

“Dear Sir,—My wife prefers me having her medical man to attend me, and he is now here. I am sorry for this, but she will have it.

“Yours truly,

“W. F. WINDHAM.”

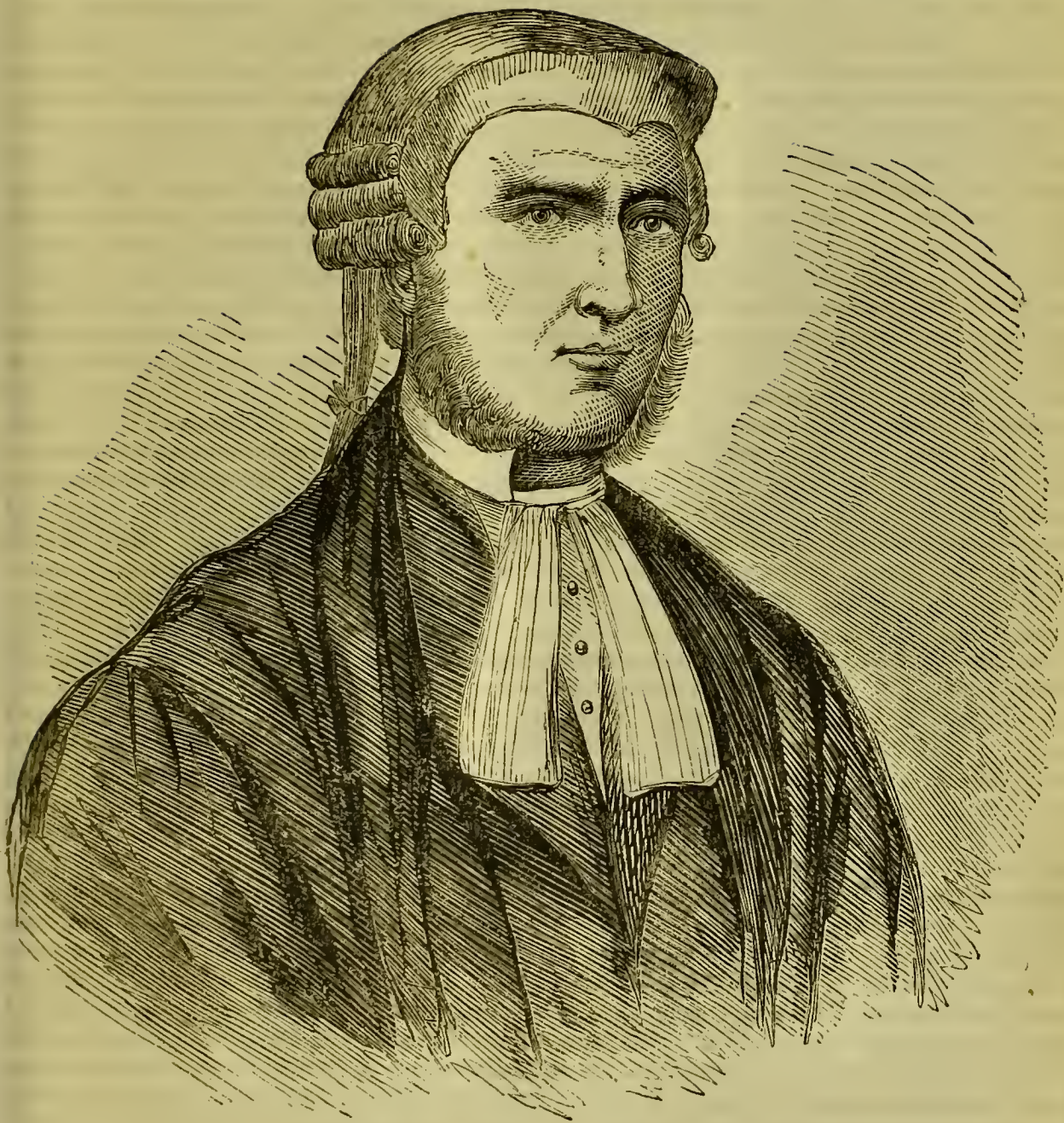
I wrote a note to Mr. Windham in answer. I believed that Mr. Windham was deficient in his intellect, and was unable, without proper control, to take care of himself or his affairs.

Cross-examined by Mr. Karslake.—Never saw Mr. Windham transact any matter of business. His imbecility was congenital. That opinion was formed from what I had seen and heard of Mr. Windham.

DR. FORBES WINSLOW.

Dr. Forbes Winslow, examined by Mr. Chambers.—I have given my attention for many years past to mental diseases, and have had considerable experience in the treatment of such cases. Under an order of the Lords Justices, Dr. Mayo and I examined Mr. Windham in the presence of Dr. Bright on the 11th and 14th of December. Dr. Bright was appointed by the Lords Justices to attend and listen to

what might be said. Previously to my interview with Mr. Windham I had read certain affidavits which had been filed in his case. I had done so in order that I might be able, to the best of my judgment, to question him upon certain points. I had not read any of the medical affidavits. The two interviews took place at my house in Cavendish-square. Mr. Windham was brought there, according to appointment, by his solicitor. The first interview extended over more than two hours, and the second lasted for nearly an hour. Both Dr. Mayo and I put questions to him suggested by the affidavits. The conversations were necessarily discursive in their character, for Mr. Windham would jump from one subject to another, and we had great difficulty in getting him to command his attention and concentrate his thoughts upon any one particular point. All that I can do, therefore, is to give a general account of what passed. I tried to take notes of the conversation, but Mr. Windham was so discursive and erratic that I was obliged to abandon the attempt in despair. I questioned him respecting the misconduct of his wife before marriage, and referred to her alleged impurity. He said he was fully aware that she had been kept by several men, but he did not see why that should be an objection to his marrying her, as other persons—men of rank and distinction—had done the same thing with impunity. He mentioned only one name, but it was a distinguished one. I referred to the state of his bodily health previously to his marriage, and said I was informed that he was suffering at that time from an aggravated form of a particular disease. He said the character of the disease had been mistaken. A remark was then made to the effect that he had communicated the disease to his wife, whereupon he referred in general terms to some compensation which he had awarded to her. He said he had given her a large quantity of jewellery, and mentioned the amount—between £13,000 and £14,000—and he said that was the compensation he had given her for the injury he had done her. I remarked that it was an unusual thing for a husband to compensate a wife for ill-treatment of such a description, and I also observed that the amount was a very large one. He said he thought she was entitled to it, and he had given it to her because he could afford it. I then referred to the fact that a Mr. —, with whom his wife had been living previously to her marriage, slept in the same house with her the night before she was married. He admitted that he knew that the gentleman in question had been living with Mrs. Windham before her marriage, and that they had slept in the same house on the eve of the marriage; but he denied that they had slept together. I understood from him that he did not sleep in the house himself, but he admitted having seen the gentleman's boot's at his bedroom door. The house, he said, was in Wimpole-street, and Mrs. Windham lived there. I endeavoured to impress upon his mind the impropriety of such a proceeding as that to which I have alluded, and told him that, seeing that Mr. — had kept Mrs. Windham almost up to the period of her marriage, the only reasonable supposition under the circumstances was that they slept together the night before she was married. He replied that he did not believe it. I then referred to another person with whom it was alleged she had cohabited after her marriage. He had himself, indeed, volunteered the statement that his wife had, shortly after marriage, cohabited with Mr. — No. 2, with whom she had been living previously to her marriage, and he said that it was in consequence of that act of adultery with Mr. — No. 2 that he had determined to commence proceedings for a divorce. I made a remark to the effect that, from my knowledge of the proceedings in the Divorce Court, I entertained great doubts whether such an application would be successful, he having married Mrs. Windham with a full knowledge of her character and previous life. He did not see why that should be any objection to his suit. I understood from him at the same time that he had lived with his wife subsequently to her adultery with Mr. — No. 2, and therefore, as I told him, the offence had been condoned. He talked very wildly and discursively upon this matter, and impressed me with the conviction that he had no idea of applying to the Divorce Court. I next questioned him on the subject of his debts. He said he could not state the precise amount he owed. His debts, however, certainly amounted to £20,000; but they might be much more. They had been contracted, in the main, he said, by his wife. Fresh bills were coming in every day, and he was in a state of such alarm that he was actually afraid to open his own letters. I had heard about the sale of his timber and spoke to him on the subject. I said I understood that he had sold a large quantity of timber on his estate. He admitted the fact, stating that his income was small, and that he had sold the timber as a means of increasing it. I asked him the price he had got. He replied,



SIR HUGH CAIRNS, Q.C.



1s. per foot. I inquired whether that was the real value of the timber, and he said it was. I told him that I understood the timber was worth about 2s. 6d. a foot. That, he said, was a mistake; 1s. was its full value. He then observed, in reply to a question, that it was not the most valuable portion of the timber which was to be cut down. I told him I understood that if the large quantity of timber which he had sold were cut down it would do serious injury to the estate, inasmuch as it would throw the estate entirely open to the sea, the timber being upon belt land. He replied that it was his wish to cut down only one tree in three. I asked to whom he had sold the timber. He said, "To Messrs. Lawrence and Fry." "Where did the sale take place?" "At Fellbrigg." "Where was the contract signed?" "At Fellbrigg." "Who was present?" "No one but myself and the buyer." "Was any one else in the house at the time?" "Mr. Roberts." "Are you satisfied in your own mind that Messrs. Lawrence and Fry are the *bona fide* purchasers of the timber, and not merely acting as agents for another party?" "I am satisfied they are the purchasers;" and he assigned as a reason for so thinking that they had given him a check for either £500 or £1,000—I forget which. He said that after the contract was signed they all dined together. I said, "Do you not believe, Mr. Windham, that the party who really purchased the timber was Mr. Roberts, and that Messrs. Lawrence and Fry were only acting as his agents?" He replied that he could not believe such a thing, as Messrs. Lawrence and Fry gave him the money. I said, "But supposing it to be proved that you are under a mistake, and that the timber was really sold to Mr. Roberts, what would you say then?" The only answer I could get from him was, "I will wait till the matter comes before the Court"—referring, I presume, to the present inquiry. In reply to a question whether his feeling for Roberts would be altered if it were proved in court that Roberts had purchased the timber, he said, "I should consider him a scamp." A remark was then made to the effect that such a disclosure should interfere with his friendship for Roberts. He replied generally that he did not see that. He said he did not know Roberts before his marriage. I asked him who Roberts was. He merely replied that he had been staying with Roberts for some time, and that he looked upon him as a friend; and then he remarked that he had heard from Mr. Davis, his solicitor, that Roberts was generally known by the name of "Bawdy-house Bob." I inquired whether Roberts was the owner of brothels. He said, "I am informed that he is the owner of a number of brothels in Shepherd-street." I asked him where he was then residing, and he replied "In Piccadilly, with Roberts." I inquired what he paid. He said he had apartments, for which he was paying £10 per week. I asked him whether, in addition, he paid any portion of the expenses of the house. He said that he and Roberts paid the expenses between them; but upon my inquiring what his share was, he said he could not tell me. He presumed that £1 a day would be a fair sum, but he had had no account rendered to him, nor had he made any agreement with Roberts on the subject. He told me that on one occasion he had a quarrel with Roberts about money matters, and that Roberts in a fit of anger had declared that he had slept with Mrs. Windham previously to her marriage. I expressed my surprise that, under these circumstances, he should continue to reside with Roberts. The reply he made was, "Roberts is a very good fellow, and I can see no reason why I should not consider him as my friend." I then referred to the placard calling a monster meeting in Hyde Park, and said it was a singular thing for him to do to issue such a document. He seemed to pooh-pooh the affair. I said, "Are you not aware that your name is at the bottom of the placard?" He replied, "Yes; but I do not consider myself answerable for it. It was brought to me by Roberts, with my name attached to it." "Then you did not authorise your name to be printed?" "No." I then told him that a forgery had been committed—a very serious offence; and I tried to impress him with a sense of the gravity of the proceeding; but he could not see it in that light. I asked him what he said when the placard was shown to him. He replied, "I said, 'Oh, take care what you are about—take care what what you are about.'" During the interviews I observed no particular excitement about him. When he told me that Roberts was a good fellow he giggled and laughed, and when he referred to the *sobriquet* under which Roberts was generally known he laughed loudly, as if he thought it a good joke. There was a peculiarity about his expression and his laugh. I attach no importance, however, to his mode of laughing, though I thought it rather strange his laughing at all upon the subject. His physiognomy impressed me with the notion that he is a man of very weak intellect. I must say, at the same time, that his physiognomy is

not very strongly marked, nor is it calculated to attract notice unless your attention has been specially called to it, and you examine him with the view of ascertaining whether there are present any of the usual physical characteristics of imbecility. But having your attention so directed, you cannot fail to observe physical signs which are unmistakeable. The opinion which I formed was that he is in a degree of mental imbecility; that he is a person of unsound mind, incapable of managing himself or his affairs; the degree of mental unsoundness which I attribute to Mr. Windham is not inconsistent with ability to write letters, acquire a certain amount of classical knowledge, or the ordinary rules of arithmetic, comprehend the value of coins, settle small accounts, and make purchases to a limited extent.

[Mr. Chambers proposed, in conclusion, to ask the witness whether the evidence he had heard in court strengthened or weakened the opinion he had formed as to the state of mind of the alleged lunatic; but Sir H. Cairns objected to the question, on the ground that it involved the further question whether the evidence tendered for the petitioner was true or false, trustworthy or the reverse, which was a matter for the jury to decide. A discussion of some length took place upon this point, but the Master eventually ruled that the question could not be put, though he suggested to Mr. Chambers that he might select some of the more prominent facts which had been proved in evidence, and, putting them one by one to the witness, ask him whether, supposing they were true, they would strengthen or confirm the opinion he had already expressed. Mr. Chambers, however, stating that he intended to rely, in his final address to the jury, not upon isolated acts or expressions on the part of Mr. Windham, but upon his whole conduct and habits since childhood, declined to avail himself of the suggestion of the Master, and declared the examination of the witness concluded.]

Cross-examined by Sir H. Cairns.—The first interview took place in the afternoon, and lasted upwards of two hours. At its conclusion I asked Mr. Windham to write a letter. He did so, and the letter is in the possession of Dr. Mayo, who will be called as a witness. I was first consulted about this case at the end of the last or the beginning of the present month. It was Mr. Nichols, of Norwich, the gentleman who has been examined, who consulted me. I had seen General Windham before, and I have had several interviews with him since, as well as with Dr. Neil. Dr. Bright, Dr. Mayo, Mr. Windham, and myself sat round a table. I have not a list of the affidavits which I read before the interview with Mr. Windham. I got them from Mr. Field, the solicitor for the petitioners. I had the affidavits on one side only, the side of the petitioners. When I said that I did not see the medical affidavits, I meant the medical affidavits against the petition. I saw the greater portion of those for the petition. I got the affidavits three or four days before the first interview with Mr. Windham. I suggested that Dr. Mayo should be associated with me. He also was furnished with the affidavits for the petitioners. We had a short consultation before seeing Mr. Windham. I made a few notes of the conversations with Mr. Windham. Mr. Field suggested certain questions to be put to Mr. Windham, and I had them copied out on a sheet of paper. Beyond those questions and the affidavits I had no information supplied to me. I had seen General Windham before the 11th of December five or six times. None of those interviews lasted more than an hour. I saw him twice at his house, and sometimes at my own. I do not think I have had an interview with him which exceeded half-an-hour in length. I am perfectly satisfied that the opportunities I had of conversing with Mr. Windham were sufficient to enable me to form an opinion upon the state of his mind. I came to a conclusion on the first interview, but I did not express any opinion until after the second. My object in having a second interview was to satisfy my mind on certain points. I wished to go over the ground again. There were some points upon which I had not formed a conclusive opinion in the first interview, and, therefore, I thought it desirable that I should see Mr. Windham again. I refer particularly to his present mode of living. I do not recollect seeing either Mr. Field or General Windham between the two interviews, or having any communication with them. I do not believe that Mr. Windham is capable of managing himself. I say so, because I do not think a man is capable who could contract marriage while suffering from a foul disease, and when he knew the paramour with whom his wife had been living slept in the same house with her the night before the marriage; who could act as Mr. Windham admitted he had done as a railway-guard and engine-driver; and who could not form a right appreciation of the position in which he had placed himself by contracting such a marriage.

and by living in friendship with a man who had declared he had slept with his wife previous to her marriage. The *data* on which I formed the opinion that Mr Windham is not capable of managing his affairs are—the way in which he admitted he had, a short time after coming into possession of his property involved himself in serious liabilities; his quietly acquiescing in a course of proceeding which if he had been able to reason out the consequence of his own actions, he must have seen would ruin his property—I mean the sale of his timber; the fact of his living with a person like Roberts, and his apparent indifference as to the amount of expenditure he was incurring; the general remarks he made in answer to questions relative to his affairs; and the gift of £14,000 worth of jewellery to his wife as a compensation for having infected her with a foul disease. I formed my opinion upon the conversations I had with Mr. Windham and upon the information given to me by Mr. Field and General Windham. I assumed that information to be correct. I assumed, for instance, that under the contract Fellbrigg could and would be denuded of timber, and that £14,000 worth of jewels had been given to Mrs. Windham by way of compensation for the injury I have mentioned. If a young man, just come of age, were to ruin his property, by contracting gambling debts, I should not conclude from that fact alone that he was legally incapacitated from managing his affairs. The additional circumstance of a marriage with a woman previously unchaste would not prove unsoundness of mind; nor would a present made to his wife of £6,000 worth of jewellery, supposing he were rich enough to afford it, make him insane. Mr. Windham told me that a medical gentleman had informed him that the disease he was labouring under at the time of his marriage was not infectious; but I was not aware that he had been assured he might marry with safety. He did not tell me it had been arranged that after the marriage no further intercourse was to take place between his wife and the gentleman who had previously lived with her. Marriage with a woman of such a character is not a proof of insanity; but, in my opinion, it makes a material difference when the paramour lives with the woman up to the time of the marriage, and actually sleeps in the same house with her the night before the marriage. To marry under such circumstances is an act which no man would do unless he were drunk, drugged, or insane. I did not know that the brother of the lady was living in the house; that the house belonged to him, and that it was engaged for the wedding. Mr. Windham assured me he did not believe that Mr. —, No. 1, slept with his wife the night before her marriage. Amateur engine driving would not, if it stood alone, be a proof of insanity; but it is one of the elements of the case, and we must take all in combination. I regard the driving of an engine by an amateur, though he may be competent, as an act of folly. The driving of a private four-in-hand or of a stage coach by an amateur is not an act of folly. The two cases are different; in one the amateur endangers the lives of hundreds of unconscious passengers, while in the other he is dealing with a few friends who have placed themselves at his mercy by their own voluntary act. Another distinction is that the driving of a railway train is a more difficult and critical performance than the driving of a stage coach or a private carriage. When talking about the timber, Mr. Windham did not say that it would have to be carried a long distance from Fellbrigg to Norwich; but he did say something about a distance of 20 or 23 miles from the railway, as connected with the carriage of timber. He did not tell me that the ornamental timber was not to be felled, but he said the most valuable trees were not to be cut. He did not tell me that Messrs. Lawrence and Fry were eminent in their business, nor did he say that General Windham had been informed by Messrs. Lawrence and Fry that they were the real purchasers of the timber, and not Mr. Roberts. He himself introduced a conversation about a resettlement of the property, which had been suggested by General Windham. He said his uncle had made a proposition to him—he did not say when or where—to place his property in the hands of trustees, to pay a nominal rent for Fellbrigg, and to reside there until he arrived at a certain age. He did not mention any other particulars. He told me he had refused the offer because he thought it was to benefit General Windham and his children. He said his uncle cared nothing for him; he only wanted to get his property. I asked him about the Lewellins. He said they were excitable people, but Mrs. Lewellin was very kind to him. He also said that Mr. Lewellin was a passionate man and swore at his wife. I did not endeavour to elicit some laughter from him in order to judge of it. One of my instructions from Mr. Field was as follows:—

“Mem.—Windham’s fancy must be tickled to get him to laugh.” I did not

attempt to "tickle his fancy;" he was treated with great respect all through. I did not find when I introduced disagreeable subjects that Mr. Windham was particularly anxious to change them. The interviews were undoubtedly of a very trying character for Mr. Windham. He showed a very small amount of intelligence, and he certainly did not go through the examination very creditably. There was no particular excitement about him, nor was there anything in his behaviour or language inconsistent with the character of a gentleman. His remarks were very childish. I asked him whether he himself had not been intimate with his wife before marriage. He said he had not. Then I asked him, "Have you not said so to others?" He denied that he had made any remark of the kind. Afterwards I repeated the question pointedly to him, when he admitted having said that he had had all he wanted out of his wife; "but," he added, "I said so by way of a blind, not wishing other parties to know what I was going to do." I learnt the fact of Mr.—, No. 1, having slept in the same house with Mrs. Windham the night before her marriage, from Mr. Field. I did not ask Mr. Windham for any details of his debts. He seemed to be aware that he was responsible for his wife's debts, and he told me he had advertised in the papers that after a certain time he would not be answerable for any obligations she might incur. He was asked whether his feelings of friendship for Roberts would be altered if it were proved that Roberts, and not Messrs. Lawrence and Fry, was the real purchaser of the timber. His reply was that he did not see why that should interfere with his friendship with Roberts. I attached great importance to that answer. [Here the witness, at the request of Sir Hugh Cairns, referred to the notes he had taken on the spot; they did not contain any allusion to the answer attributed to Mr. Windham about Roberts.] I think Dr. Mayo asked Mr. Windham whether Roberts was not called "Mahogany Roberts." I do not recollect the answer. I am quite positive it was not I who referred to the nickname of "Mahogany." I was not aware at the time that Roberts was known by that *sobriquet*. [The witness was told by Sir Hugh Cairns to look at the paper of instruction furnished to him by Mr. Field previous to his interview with Mr. Windham. He did so, and found that one of the instructions related to "Mahogany Roberts."] I communicated the result of my examination of Mr. Windham to the advisers of the petitioners before the case was opened by Mr. Chambers. I do not think that a casual observer, judging merely from his appearance, would come to the conclusion that Mr. Windham has an unsound mind. Such a person as I have described Mr. Windham to be, may be capable of writing a rational letter, and making bargains to a certain extent. Some lunatics, inmates of a public establishment, are permitted to go abroad for the purpose of making small purchases. I cannot tell you where sanity ends and insanity begins. It is impossible to trace the line of demarcation. Judging alone from what I saw of Mr. Windham in the two interviews I had with him, supposing I had met him with my mind a *tabula rasa*, I should have been loth to form the opinion which I have expressed to-day with respect to his imbecility. But the truth is, that independently of the *data* supplied to me by Mr. Field, and of certain circumstances which I assumed to be true, I had no means of testing Mr. Windham so as to arrive at any conclusion on the subject of his mental condition. I repeat that the opinion which I have stated is partly founded upon the assumption that certain actions which I have heard attributed to him, and which formed the principal topic of conversation, were really committed by Mr. Windham.

The cross-examination of the witness was not concluded when the Court adjourned.

TWELFTH DAY—WEDNESDAY, JAN. 1.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

The Master remarked that on Tuesday a question was raised whether a skilled witness, such as Dr. Forbes Winslow, was entitled to express an opinion founded upon the evidence taken in court. He had ventured to decide that question in the

negative, and he would now take the liberty to read, as the matter was one of considerable importance, a terse and cogent statement of the rule of law upon which he intended to act. In the case of Lieutenant Pate, tried some years ago before Baron Alderson, Dr. —, one of the medical witnesses, made the following statement:—"From all I have heard to-day and from my personal observation I am satisfied that the prisoner is of unsound mind." Thereupon Baron Alderson made the following observations:—"Be so good, Dr. —, as not to take upon yourself the functions both of judge and jury. If you can give us the results of your scientific knowledge upon this point we shall be glad to hear it, but while I am sitting on this bench I will not permit any medical witness to usurp the functions of both the judge and jury."

DR. FORBES WINSLOW—CONTINUED.

Dr. Forbes Winslow, cross-examined by Mr. Coleridge—I had not seen Mr. Windham before my interviews with him under the order of the Lords Justices. I consider his a very remarkable case, and in some of its features it may be unusual. I have had very large experience of such cases—for the last twenty years I have confined my attention to them. I have seldom less than from seventy to eighty persons in various stages of lunacy under my care. I class the case of Mr. Windham as a case of imbecility. In medical language it would be called a case of *amentia* as distinguished from *dementia*. I have constantly applications to examine persons under the Lunacy Acts, and I am in the habit of giving certificates. They are occasionally persons whom I have never seen before they are brought to me for the purpose of examination. If I am satisfied that they are of unsound mind I give a certificate to that effect.

Re-examined by Mr. Chambers. I have seen vast numbers of cases of *amentia*. *Amentia* is not downright idiocy, but something between idiocy and lunacy. If I were called upon to give a certificate in the case of Mr. Windham, with a view to his confinement in a lunatic asylum, judging merely from what I have seen of him, I should hesitate to do so. In my opinion, however, his case is one which requires control, though I would not consign him to an asylum. It is an unusual case in some of its features. Mr. Windham might be able to conduct himself with propriety if he had some person to take care of him. I have had several similar cases under my supervision. In my interviews with Mr. Windham I noticed some things which led me to the conclusion that he is a person of unsound mind. I refer, among other things, to his insensibility to the impropriety of living with a person like Roberts. In many cases of insanity we have what is called a paralysis of the moral sense—an insensibility to decency and propriety. From what I saw of Mr. Windham it struck me that he was not in a state of mind to realise his moral obligations. He had no apparent sense of shame. I could not get him to understand that it was an act of indecency in him to marry a woman who had been living with a paramour up to the night before her marriage. XX

By the Master.—Insanity is a disease very difficult to define. No definition can be framed that will be philosophically accurate; in other words, that will be negatively and positively correct, embracing within its scope all who are insane, and excluding all who are not insane. Mental unsoundness may be appreciated; it is easily recognized; but it cannot be defined. I cannot better describe my idea of the legal term "unsoundness of mind" than by repeating the words uttered by Lord Eldon in the case of the Earl of Portsmouth—viz., "a condition or state of intellect between actual lunacy and idiocy, or such a degree of mental deficiency as would incapacitate a person for the management of himself and his affairs." If I were asked to test the sanity of a man, I am satisfied I should be able to arrive at a safe conclusion if I were to place before the alleged lunatic a series of designedly fictitious facts, asking him how he would conduct himself, supposing those facts were true. If I found that, under certain given conditions, whether those conditions were hypothetical or not, he would comport himself in a manner inconsistent with sanity and rationality, I should consider the conclusion that he was of unsound mind a perfectly legitimate one. The cunning of the insane is proverbial. I may mention the case in which the late Lord Erskine was engaged during an entire day in examining an alleged lunatic without being able, with all his wonderful skill and sagacity, to detect the elements of his insanity. It was only when Dr. Sims, coming accidentally into court, suggested to Lord Erskine to question the alleged lunatic relative to a delusion under which he laboured that he was Jesus Christ that he

succeeded in establishing the fact of insanity. In my judgment the question before the Court is one of evidence and of degree. Every case like the present speaks for itself, and laymen, men of the world, are quite as competent as professional witnesses to come to a right conclusion, provided they have all the facts before them. In cases of *amentia*—among which I class the case of Mr. Windham—one should pay more attention to the actions and conduct of the alleged lunatic than to anything which one might observe in conversation. A person like Mr. Windham may so conduct himself in even a lengthened examination as to convey the impression to your mind that he is really competent to manage his affairs, but immediately afterwards he may exhibit such weakness of intellect as to prove his utter incompetence.

By the Jury—In my interviews with Mr. Windham I did not draw his attention to the sinfulness of his conduct; in fact, we did not go into the ethics of the matter at all. He appeared to be insensible to shame. When I am called in to see patients I am very frequently furnished with the history of the case. The general practice is to be put in possession of certain facts. The opinion which I have expressed of Mr. Windham is formed partly upon the information I have derived from others, and partly upon his mode of answering the questions put to him, the difficulty in getting him to concentrate his thoughts, and his apparent moral obligations. No right investigation could be made without a previous acquaintance with the facts of the case. Those facts are the tests by which the capacity of the patient is ascertained. I have patients now under my charge with whom you might converse for a whole day without perceiving that there was anything the matter with them; whereas if I gave you the clue, you would detect their infirmity at once.

By the Master—Inability to command the attention and incapability of sustained thought are symptoms of the peculiar kind of mental imbecility which I attribute to Mr. Windham. Deadness to a sense of moral obligations is frequently observed in such cases, in other words, though not a constant, it is a frequent concomitant.

DR. MAYO, PRESIDENT ROYAL COLLEGE OF PHYSICIANS.

Dr. Mayo, examined by Mr. Chambers:—I am President of the College of Physicians. I have given my attention to disorders or diseases of the mind, and early in life wrote a work on the subject. I was present when Dr. Winslow on two occasions had interviews with Mr. Windham. I heard the evidence given by Dr. Winslow yesterday. Substantially he has given a very accurate account of what occurred in my presence. From the opportunities I had of having conversations with and putting questions to Mr. Windham, I formed the opinion that he has a very weak intellect and a very impure mind—one that I should expect to turn out eminently unsound, if further particulars of his conduct could be given me. Speaking of his intellect, I should say he is childish and inconsequent, particularly under circumstances where a man of intelligence would be serious. He makes disjointed remarks. Speaking of the ethical part of the case, by far the most important, my attention was most attracted by the method in which he treated the relation of his wife to himself. All the phenomena of that part of the subject have been correctly stated by Dr. Winslow. I remarked the utter and entire shamelessness he manifested during the interviews. I would particularly specify the indifference with which he treated the question whether he had said that he had been intimate with his wife before marriage, and that had satisfied him, and that, therefore, he was not likely to marry her. Seeing that he had produced an unfavourable impression upon us, he very cunningly said he had only made that remark to blind people as to his intended marriage. When asked by me whether he ever had been in bed with three women at one time, he treated the question with great levity. He said, "No," but laughed. The adhesiveness he showed in his attachment to Roberts, in spite of admitting a low opinion of him, was another circumstance which indicated an indifference to decency and decorum. It suggested to me his incapacity in another sense—incapacity in regard to the management of affairs—for such a man would be sure to have bad associates and to give way to them. Those were the principal points which I noticed leading to the opinion I have expressed. I also observed that he had made little progress in education, and on questioning him about mathematics, which he said he had studied at Eton, I found him to possess a certain amount of intelligence, but no more than would tend to deceive himself. I did not test him on the subject of vanity or self-admiration. When I saw him I had not read the affi-

debits, but had only glanced at some of them. The only information I possessed was derived from Dr. Winslow in a short consultation we had on the morning of the first interview. I found my judgment almost entirely upon my own observation of Mr. Windham. In my opinion, judging from what happened at the interviews, he is certainly not competent to manage himself or his affairs. There are too many names for insanity. My own judgment would direct me to be satisfied with the simple expression that Mr. Windham is of unsound mind. I should say, however, that I do not differ from Dr. Winslow in his definition of the case. That condition of mind is not inconsistent with the power of acquiring a certain amount of classical knowledge, though a person so afflicted generally breaks down in his education. At Eton, where Mr. Windham was educated, I believe promotion to a form is obtained by something very like favour, and without examination. I was not at Eton myself, and I speak from what I have heard here. The power of making bargains and doing certain sums is consistent with the unsoundness of mind which I find in Mr. Windham. In certain states of unsoundness the party may be kept under restraint by the presence of persons who have a control over him; but when the disease has reached the point developed in Mr. Windham it becomes uncontrollable and defies the obligations of decency and society. It may be controlled to a certain extent by fear, or by being cowed; but the restraint to be effectual must amount to constraint. If it be partial and imperfect, such as that which Mr. Cheales, Mr. Horrocks, and even Colonel Bathurst seem to have exercised over Mr. Windham, it will only irritate and intensify the conduct with respect to social impropriety. But, at the same time, I would rather not place such an individual as Mr. Windham in a lunatic asylum. I would put him in the hands of a person who would prevent him meddling with affairs. It is quite possible that so treated he might recover so far as to be able to go about with safety to himself and others.

Cross-examined by Mr. Karslake.—He must be stationary at first. I do not propose to put him under the control of a keeper. His attendant should be himself under the surveillance of a physician, who would see that he did not abuse his trust. I do not think that every young man who enters upon a reckless and ruinous course of life should be placed under restraint. I have mentioned the defect in his treatment by his tutors, but I by no means say that he would have been better without them. It is probable that he did many things to annoy his tutors, but he did them in an unsound way, and in substance they were irrational. The modes in which boys annoy and irritate tutors whom they dislike are very numerous; but the things done by Mr. Windham were abnormal acts, carried out in a very intense way. The actions to which I allude are those which have been described in evidence. The idea which they suggest was thoroughly borne out by what I observed during the interviews with Mr. Windham. I entered upon the examination of Mr. Windham with the belief that there was a large body of evidence which would prove that his mind was unsound. I did not read the affidavit of Dr. Donald Dalrymple, in which it is stated that Mr. Windham was addicted to vicious courses of a peculiar character, until after the interviews. I did not see the paper of instructions which was furnished to Dr. Winslow by Mr. Field. I do not recollect Dr. Winslow asking Mr. Windham whether he knew that Roberts was called "Mahogany Roberts." I certainly did not put that question myself. Several of the questions asked by Dr. Winslow were new to me. My opinion that unsoundness of the mind in Mr. Windham has reached such a point that it is uncontrollable by a sense of decency or social obligations is not founded upon my own observations. I observed sufficient to convince me that he is cunning enough to seem to be aware of social obligations. Assuming the statement of the Marquis of Bristol to be correct, that Mr. Windham dined with him on two occasions and behaved himself like a gentleman, I should attribute his conduct rather to cunning than to a sense of self-respect or the decencies of society. The reason is that I know him to be entirely destitute of any such feeling. To induce me to attribute them to anything like a sense of decency the number of instances in which he has behaved himself well must be enormous. When a man like Mr. Windham commits a series of beastly and irrational acts there is a reaction, caused by fear of the consequences, and during that interval he may behave himself well enough; but his conduct then must be attributed, not to a sense of propriety, but to cunning and recollection that he had behaved badly before. I admit, of course, that such behaviour as that of Mr. Windham, in the presence of the Marquis of Bristol and his family, is more consistent with soundness of mind than with unsoundness. If it

could be shown that Mr. Windham got into the fifth form at Eton by an examination, that I admit would make his case an unusual one. If I were told that he reached without favour the remove below the fifth form, I should say that would also make his case an extraordinary one, provided that the studies, as you say, consisted of Virgil, Horace, Cornelius Nepos, the Greek Testament, Mathematics, and Geography. Unsoundness of mind is not inconsistent with a certain degree of efficiency in arithmetic. A person of unsound mind may go through the practical parts of Long Division, the Rule of Three, and Vulgar Fractions, provided he has somebody by the side of him to state the proposition. Mr. Windham could not repeat the Greek alphabet to me or recite any portion of Virgil—a circumstance which increases my suspicion that he did not get into the fifth form at Eton without favour. It is possible he may have told me that he had not looked into a book since he had left Eton. When I examined him I was not aware of the manner in which he had been brought up and treated by his parents and others. The questions I put to him were very simple. He denied having slept with three women at once, but he did so in a shameless manner, as if he could see nothing indecent in such a proceeding. I had no reason to believe that he had so slept with three women. Many questions of an absurd character were put to him. I have said that his remarks were childish and inconsistent. I cannot give you particular instances. His talk on many points consisted of bits of sentences tacked together without any natural connection; and as I did not take notes on the spot I am unable to repeat his words. He giggled during the whole of the conversation upon the subject of his wife and her relations to himself and others. I do not remember an example of his disjointed remarks. It struck me that he had a good memory for events, but that is not an extraordinary phenomenon in cases of unsoundness of mind. Upon the whole, however, it is more consistent with soundness of mind than unsoundness. He could not do the first proposition in Euclid, but he told me he had always disliked mathematics. I did not test very severely his memory for events, because I did not attach much importance to it. He knew perfectly well for what purpose he was being examined and answered the questions very readily. Some of the subjects were disagreeable, but not to him; on the contrary he seemed to like them. I did not observe that Dr. Winslow endeavoured to make him laugh. At the conclusion of the interview I asked him to write a letter to me. I said, "You know the general purpose for which you are here. I think it would be good for you if you would have the kindness to write me a letter." He immediately took pen and paper, and I am bound to say wrote a letter without the slightest appearance of difficulty. He handed it to me in the room, but said nothing. I believe I remarked it was a very good letter, or something to that effect. The letter is as follows:—

"December 12, 1861.

"Dear Sir,—I hope after your examination of me this evening that you will be able to give a favourable opinion as regards my case, which will aid to terminate these proceedings against me, as I think I am wrongly treated in having such a charge brought against me.

"I am, dear sir, yours truly,

"To Dr. Mayo.

"W. F. WINDHAM."

I have not had delivered to me by General Windham or anybody else letters addressed to him by Mr. Windham. The letter to me is far more consistent with soundness of mind than with unsoundness, but it is not inconsistent with the latter.

By Mr. Coleridge.—I am frequently called upon to certify the sanity or insanity of individuals. I always see the patient alone. It is not usual to supply the physician with instructions in such cases. He goes to the patient and does the best he can to ascertain the state of his mind. I have generally received a statement of facts to enable me to examine the patient. Unsoundness of mind is a fitter subject for description than for definition. Moral obliquity, supposing it to mean perversion, is one element in the proof of unsoundness. The violation of a child is not an indication of moral or intellectual perversion. It is a very vicious act, but vice is not perversion. If the offence were committed in public, or under circumstances of great indecency, that would make some difference, but still it would not amount to a proof of insanity. An act of gross and shameless indecency, if frequently repeated, would lead me to believe that upon inquiry I might find indications of unsoundness of mind. There are many gross and shameless vices which are perfectly consistent with the soundness of the mind of the person guilty of them.

Re-examined by Mr. Chambers.—If a man lying in bed, with a respectable middle-aged woman sitting beside him, were suddenly to cast off the bedclothes and expose

his person, I think it very probable he would be found of unsound mind. Calling the attention of young ladies to mules while staling, if done habitually, would be an element in the proof of insanity. The same observations may be applied to the act attributed to Mr. Windham of locking his wife in a railway carriage with a person whom he knew had lived with her before her marriage. Mr. Windham could not repeat a single line of Virgil, but I draw no inference from that except that he was a very ignorant young man.

By the Jury.—It is not uncommon for persons who were formerly pure in conversation to utter coarse and filthy language when they become insane. Slavering at the mouth is an indication of the want of self-control. I did not notice anything of that kind in Mr. Windham. If the whole of the facts stated in the affidavits were untrue I should still say, from my own personal observation of him, that he is a weak man, but I should hesitate to declare him incapable of managing himself.

MRS. LEWELLIN—RECALLED.

Mrs. Lewellin was here recalled, at the instance of Sir Hugh Cairns, and examined by him.—I have a brother named Conway Dignam. I have not seen him to speak to him since May or June last, when he stopped my cab in Vauxhall-bridge-road, and said, "Augusta, how do you do?" I merely said, in reply, "Conway, be a good boy," and then drove away. My mother died last year, and since then I have seen him begging in the streets. He is a dissolute, worthless, lazy fellow, and never earned a shilling in his life. I did not meet him and speak to him in St. James's-street any time in September, October, November, or December last. I did not say to him, "Ah, Conway, how do you do?" and inquire what he was doing. When I saw him begging, which was in June, I was so horrified at the condition to which he had reduced himself—for he was left well off—that I endeavoured, through my mother's solicitor, to obtain a situation for him. I had no interview with him in St. James's-street, and, of course, I did not say to him in any shape or form, "I know of a capital thing you can do nicely. Did you ever hear of young Windham? His uncle, the General, has begun to try to bring him in insane, and if you would swear for the General it would be the making of you, and you would not require a situation." I did not say to him, "The General will have the money, and not his nephew. What you will have to swear is this—that you lived with Lewellin as clerk, and had ample chances of hearing young Windham's hideous noises and seeing his mad ways." My brother did not reply, "Oh, Augusta, how can you try to bring a younger brother into such a mess? You are aware that I know neither the General nor young Mr. Windham, and I would not get myself into trouble by false swearing for you or twenty Generals." I did not then say, "You are very foolish; you know as much as other people that are on the General's side;" nor did I say, "Will you go to a solicitor with me?" He did not reply "No, I shall not do anything of the sort; I would sooner stop in my present position than try to injure a young man I know nothing about." I did not say, "If you do not comply with my wishes I cannot do anything for you; you are very foolish." He did not say, "I would not go into any court to forswear myself or injure my family's name." I did not say, "You can take your own course. What does it signify if you do bring in young Windham insane? It will not injure you, but be the making of you. You don't suppose I am doing this for nothing, do you?" No such conversation ever took place, or anything like it.

By Mr. Chambers.—When I saw my brother in May or June he was begging of passers-by like a ragged beggarman. He never earned a shilling in his life; he lived on his mother till her death. He is about twenty-two years of age. The last time I saw him was the day before Christmas-day. He was standing opposite our house, pointing at it, hooting, and getting a mob round him. Mr. Lewellin went for the police. Two policemen came, and he went away. My mother died on the 2nd of June, 1860. I think it was in May last that I recommended him to my mother's solicitor; but that gentleman would do nothing for him. On that occasion he was aware that I was using my exertions to get him a situation. I have not spoken to him since he stopped me in Vauxhall-bridge road.

By the Master.—We took him to our house after my mother's death, but Mr. Lewellin put him away and ordered me not to speak to him. Before I came here to-day I had not the most remote idea of the kind of questions which were to be put to me. I solemnly swear that the conversation which has been detailed is totally false. May I die in your presence if I do not speak the truth.

The witness, who said she was suffering from ill health, and who had given her evidence with considerable warmth, immediately left the court.

DR. SOUTHEY.

Dr. Southey.—I was directed by the Lords Justice to visit Mr. Windham. I had two interviews with him, having previously read the affidavits on both sides. Each interview lasted about an hour. My object was to form an opinion and make a report to the Lords Justice upon the state of his mind. I examined him at some length and found the case a difficult one. His conversation was better and more sensible than his conduct had been. From his conversation alone I should not have come to the conclusion that he is a person of unsound mind. My opinion was formed partly upon what I saw, and partly upon what I read in the affidavits. It was that he is not competent to take care of his property.

Cross-examined by Mr. Karlake—The affidavits were sent to me in November. I have not a list of them. I assumed the facts stated in them to be true, and my opinion was formed upon that assumption. Mr. Windham knew the purpose for which I was making the inquiry, and behaved in all respects like a gentleman.

Re-examined by Mr. Chambers—He fenced with some of the questions and avoided giving answers to them.

By the Master.—I think his case is one of imbecility. His unsoundness of mind is consistent with a good technical memory and with a certain degree of cunning. I spoke to him about the state of his health at the time of his marriage. He said he had consulted Dr. Illingworth and Mr. Johnstone, but he denied that they had told him that the disease was of a nature unfitting him to marry. Supposing all the facts stated in the affidavits to be untrue, I should still say, judging from my interviews with him alone, that he is a person of weak intellect, though I should hesitate to express the opinion that he is not capable of managing himself or his affairs.

The marriage settlement and the register of the marriage were then put in and read. By the former Mr. Windham granted to his wife a perpetual rentcharge of £300 a year, to be increased to £1,500 in 1869, when he should come into possession of the devised estates. It was also stipulated that the jewels should remain to her separate use. The marriage took place on the 30th of August at the district church of All Saints, St. John's-wood, and was solemnized by the Rev. Mr. Maddock.

Here, near the end of the 12th day, the case for the petitioners was declared closed.

Sir Hugh Cairns said—It now becomes my duty to address you on behalf of Mr. Windham, the subject of the present inquiry, and I do so under circumstances which are to some extent almost unparalleled. The inquiry has lasted now for almost 12 days, and during that time a demand has been made upon your patience and attention which, so far as I am aware, has had no precedent in modern times. The petitioners have raked up and paraded before the world the events of a life of 21 years. They have exposed to the public gaze, and that in no dim or hazy light—they have pictured to the public view, and that in no delicate touches—the youthful vices and follies and frailties of their relative—the subject of this inquiry. During the whole of that exposure his counsel has sat there in constrained acquiescence, except so far as by the privilege of cross-examination they have been enabled to correct the errors into which the witnesses have fallen, and to elicit the facts which they have withheld, and to expose the inconsistencies with which they are chargeable. Now, when at last I rise to address you on behalf of Mr. Windham, I venture most earnestly and respectfully to make of you two requests. The first is on behalf of Mr. Windham himself. On his behalf I entreat you to bring to the consideration of the remarks which I have to offer to you minds calm, dispassionate, unbiassed, and, I will add, judicial. You must remember that, short of the issue of life or death, there is hardly any issue more momentous than that involved in the present inquiry. No more important issue, with one exception, can be submitted to a jury or fall to be decided upon the fate of any fellow-creature. The second request is that you will extend to me your indulgence while I endeavour, however imperfectly, to deal with the extent of the case upon which I have to address you—a duty and task from which I might well shrink, but a duty and task in which I am sustained first, by the feeling that I will not ask for your forbearance in vain; and next, by the conviction that I am about to defend Mr. Windham from a charge most cruel, most unjust, and most unjustifiable. (Cheers.)

The Master intimated that, if he saw or heard any further exhibition of feeling on the part of the audience, he should make use of the power at his command, and adjourn the Court.

Sir H. Cairns resumed by saying, It may be convenient to remind you of what the precise issue is. You are to decide whether Mr. Windham is incapable of managing his affairs—not whether he is of unsound mind—but whether he is incapable of managing his affairs by reason of unsoundness of mind. The object of making that distinction is plain and simple. There are many cases in which a man may fairly be said to be incapable of managing his affairs. He may be incapable by reason of ignorance, or on account of inexperience and the want of peculiar skill, or because of a preference for literary or other pursuits of a kind utterly unconnected with the management of property, or in consequence of a ruinous and inveterate habit of gambling. Such a person may justly be said, in a certain sense, to be incapable of managing his affairs, and, indeed, the Roman law made no distinction between unthrifths and idiots. But in England a man cannot be deprived of his personal liberty or his property on the ground of incapacity until a jury of his countrymen are satisfied, first, that he is incapable of managing his affairs, and secondly, that his incapacity arises from unsoundness of mind. The learned counsel, having fortified his observations upon this point by quotations from Blackstone, Shelford, and the declaration of Lord Eldon in the Portsmouth case, proceeded to ask the jury also to bear in mind that the presumption is in favour of sanity, and that it lies upon those who allege unsoundness to make out and prove their case. I call your attention to the peculiar nature of the insanity alleged in the petition against Mr. Windham. It is not an ordinary case of insanity accompanied by delusions—a case in which the great and critical test of sanity is the absence or presence of hallucinations—but a case of imbecility approaching to idiocy, or amounting to unsoundness of mind. In a case of insanity accompanied by delusions, the mode of investigating it so as to arrive at the truth is a matter of great difficulty and doubt; but in a case of imbecility, where there is either no mind at all or next to none, the task of coming to a right and just decision is comparatively easy. It is impossible for a man who is said to have only a limited amount of mind, or none at all, to assume at any moment or for any purpose a greater amount of mind than he really possesses. If the mind is not there, or only there in a certain small and limited quantity, no desire on the part of the individual to show a greater amount of mind, or to assume the appearance of a greater amount of mind, can supply him with that which Nature has denied him. Hence, when a man is charged with imbecility, if it can be shown that for a considerable time and in various situations he has acted like a natural being, any acts of folly which might be alleged against him should be carefully, deliberately, and keenly investigated, because at first sight it is next to impossible that a man can at certain times assume a mind and intelligence which are wholly absent. Something has already been said on the amount of property at stake in the present case. The only remark I have to offer upon that point is that there is no graduate or sliding scale which requires for a certain amount of property a certain amount of mind; and that if Mr. Windham is capable of managing his affairs, he is so whether his property may be estimated at £100, £1,000, or £20,000 a year. I next ask you to put aside entirely that portion of the evidence where the witnesses, not confining themselves to a narrative of facts which had occurred under their observation, or to statements made within their hearing, have gone further, and said that in their opinion, from what they had heard, Mr. Windham is of unsound mind. It is the province of the jury to form and express an opinion upon the evidence, and I hope you will not allow it to be invaded by witnesses, whether skilled or otherwise.

The learned counsel had barely commenced his speech when the court adjourned.

THIRTEENTH DAY.—THURSDAY, DEC. 2.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

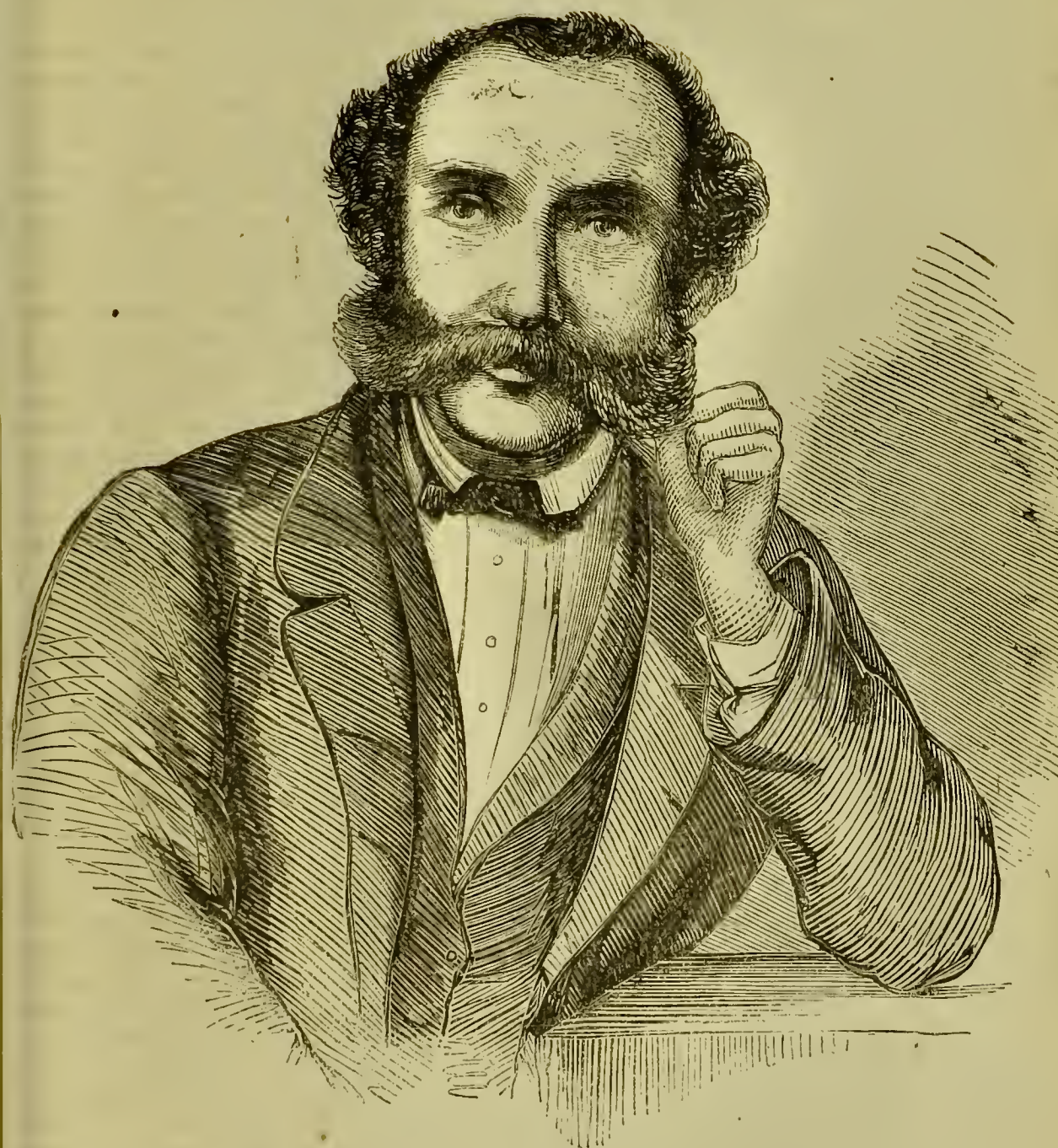
Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karlake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

SIR HUGH CAIRNS' SPEECH—CONTINUED.

Sir H. Cairns resumed his speech to the jury on behalf of Mr. Windham. He said, When the Court adjourned on Wednesday evening I was about to call your attention, before proceeding to comment upon the evidence, to what I consider a point well worthy of observation—viz., the very great advantage which the petitioners have enjoyed with respect to the evidence to be procured. The petition was garnished with an array of names of persons of very considerable position and distinction in society. It will be my duty in the course of my observations to comment, and I will claim the right to comment, with freedom upon the course adopted by the petitioners. I may remark at the outset that the heads of families who have signed the petition must possess, by the ramification of their connections and the weight of their influence, considerable power in procuring from every part of the kingdom every jot and tittle of evidence which could be obtained in their favour. Mr. Windham, on the other hand, stands alone against the family, with the exception of his mother. We have here, for the first time in my recollection, that which seems to me extremely like the introduction into this country of the terror of domestic life abroad—viz., the working and operation of a family council. The decree of the family council has gone forth; everything which it is in their power to do had been put in operation, and the consequence is that members of the family who during the early life of my client were in relation and connection with his tutors and other persons who had charge of him in childhood and boyhood are able at once to go to those tutors and companions, to state their views to them, and to command everything they can give in the shape of evidence. If the present had been a case in which the members of the family were sincerely and fairly desirous of taking the opinion of an English jury upon the mental state of their relative, as testified by their own medical witnesses, there would have been an easy and simple way of doing so. Nothing could have been easier, without overlaying the case with the flimsy and ridiculous evidence of railway guards, policemen, lodging-house keepers, and other persons, deposing to acts, some the most trivial and others the most disagreeable, which could be well conceived, to have said—"We are of opinion that the state of mind of our relative is such that he cannot be intrusted with the management of himself or his affairs; our medical witnesses say that his sanity or insanity can be tested by an examination on hypothetical cases; will you be kind enough to see that those tests are applied to the mind of our relative, not for the purpose of showing unsoundness, but for the purpose of fairly ascertaining whether his mind is sound or unsound; and then let a jury say, having heard the results of such an examination, whether there is or is not that unsoundness of mind which we allege in our petition." That prudent and judicious course has not been adopted, but on the contrary, the members of the family have brought forward a mass of evidence some of which is of the most disagreeable, not to say disgusting description, and have not hesitated to expose to the public gaze all the boyish acts, follies, and vices of their youthful relative. One obvious and important consequence of bringing forward such evidence is to deter impartial and unprejudiced persons, who would have liked to state the results of their own observation of the acts of Mr. Windham, from coming forward in his behalf. Such persons might have said to themselves, "We know Mr. Windham very well; we have observed him doing various acts in the course of business; he always seemed to us to be a man perfectly competent to manage his own affairs and we are willing to say so in open court." Their friends, however, after reading the reports in the newspapers, might have remarked to them, "See how his relatives are bringing forward, day after day, instances of the most disgusting acts committed by Mr. Windham; these acts must really have been committed by him, or his relatives would never have ventured to exhibit them to the public gaze; we hope you are not going to mix yourselves up with a case of that kind; consider what a disagreeable position you will be placed in when you find that a person whom you think so decent and well behaved has, without your knowledge, committed acts of so gross a character that his relatives would never have dreamt of attributing them to him, far less of parading them before the world, without the best and strongest grounds for believing them to be true." I think the petitioners ought to have considered that such would be the natural and inevitable tendency of the course they have adopted. There is another observation which I have to make at the outset—viz., that the position of the parties in this case is different in one most important respect. The petitioners have enjoyed, for the purpose of making out their case, an

amount of time wholly disproportioned to that which has been allotted to Mr. Windham for his defence. It will be recollected that so long ago as September Mr. Corbellis had a consultation with General Windham with regard to this proceeding. During the whole of that month, during the whole of the two following months, and up to the middle of December, when this inquiry began, the petitioners had an opportunity of scouring high and low—in Russia, in Scotland, in Ireland, at Spa, and in every part, of England—for every particle of evidence which could be procured in support of their allegations. The advisers of Mr. Windham, on the other hand, had no means of knowing what the petitioners were doing until the commencement of the proceedings in the Court of Chancery; it was not until the end of November that an order was made by the Lords Justices for the issuing of a commission *de lunatico*; and between the date of that order and the beginning of this inquiry there was an interval of not more than three weeks. During that short period Mr. Windham and his advisers had to get up their case in opposition to that of the petitioners, perfectly ignorant of the evidence which the petitioners intended to adduce, except in so far as they were enlightened by the affidavits filed before the Lords Justices. Moreover, in a case of this kind, where a great number of acts and sayings were spoken to which were said to have occurred between Mr. Windham and some other person, the only person who could be brought forward to rebut what was alleged by the petitioners was Mr. Windham himself; but, unfortunately, the law and practice of England do not admit of their producing Mr. Windham as a witness before the Court. With respect to a great many of those acts and conversations which occurred within the knowledge only of Mr. Windham and of some other person, examined as a witness in support of the petition, I and my learned friends have been able to elicit from the witnesses many details which they either had forgotten or had omitted to state, and have obtained considerable additions to the evidence which the witnesses gave by addressing to them proper and fit inquiries for the purpose. To whom was it supposed they could be indebted for the information which enabled them to put those questions in cross-examination? To whose shrewdness, intelligence, and clear and accurate knowledge of what really had occurred could they be indebted except to those of Mr. Windham himself? I will show you in the course of my observations, the facts which they had been thus enabled to bring before you, and the impossibility of their having derived their knowledge from any person except Mr. Windham himself. It is not my intention to complain of the order, as regarded narrative and witness, in which the case has been brought before you; but, without making any complaint, I think a better and more convenient arrangement might have been adopted for directing attention to the whole of the facts. I do not propose to follow that order, but, on the contrary, to take an order of narrative which I think will enable you much more usefully and conveniently to follow the history of the case and the evidence of the witnesses. There are four periods to which I will endeavour to direct your attention, and under each of which I will supply you with proper evidence. The first will extend from the earliest childhood of Mr. Windham, up to the time when he came to lodge with the Lewellins, in Duke-street, on the 27th of May, 1861; the second will be from that date up to the time of his marriage; the third will include the time of his marriage and the events immediately and closely connected with it; and, finally, the fourth will embrace the time which has passed since his marriage, and the events which are relied upon during that period. In approaching the consideration of the first period, I am anxious still further to clear the ground by stating most fairly and frankly the points as regards the character of Mr. Windham which I am ready to concede, and upon which I agree with some of the evidence which has been brought before you. Mr. Windham has the misfortune—for I call it advisably a misfortune—to be an only child. He is not only an only child, but he is what is commonly called a spoilt child. He was spoiled, as Dr. Donald Dalrymple had very fairly told them, in the clearest and fullest sense of the term, by his parents—at once indulged and irregularly and capriciously restrained. His father was a passionate man, and, as Dr. Dalrymple has said, his mother is also a person of excitable temper. There can be no doubt that he was never fond of learning. He was passionately fond of out-door employments. The two sometimes go together, but more frequently they are found separate. After he left Eton he really had nothing which could properly be called education. There is not a single tutor he had who ever attempted seriously and earnestly to give him any proper kind of instruction. At Fellbrigg-hall, as Dr. Dalrymple has fairly stated, he had

the run of the house and the stables. It was natural for an only child, with no brothers and sisters, with no companions of his own age, with no companions whatever except tutors whom he disliked, eagerly to embrace the opportunity of frequenting the society of those who were to be found about the house and stables, more especially of persons like grooms and stable-boys, who are at once most popular with boys who are allowed to frequent the stables as much as they please, and most ready to encourage and humour the whims of their young master. It was also clear that he was a boy of excitable temperament—a passionate boy if they pleased. It was likewise evident that he was a boy of rustic manners and speech, especially in his boyhood; that he was allowed to be so, and that there was no serious attempt to give him any kind of proper training. The fact that he was rustic in manners and speech was in some degree to be accounted for by the circumstance that he did not appear to have had in early life any opportunity of mixing in the society of ladies; that he had no sisters or female relatives of any kind to read or converse with him; that, in short, as an only child and a boy, he was permitted to run about the house and the stables unchecked as to speech and manners. Nor could it be denied that in early life he was a sloven in dress. Afterwards in that respect he became very much improved; but that at one time he was a sloven in dress must be fairly and frankly admitted. It was also clear that his voice and his laugh were peculiar, and they would learn, from evidence of the most satisfactory kind, that the structure of his mouth was such that his voice and his laugh could not be otherwise than peculiar. It must likewise be acknowledged that he had very considerable powers of imitation, and used those powers to a very large and, no doubt, to a very noisy extent. He had a great power of imitating the Norfolk dialect, and representations and pantomimes seen on the stage. He had a great power of imitating the acts and conduct of other people, and he used it in a way which very likely was pleasant to himself, but sometimes not to those who were associated with him. It might also be taken as a fact, which could not be disputed, that he was a boy of boisterous animal spirits. His mind upon the whole was not a powerful one, but little more could be said on the subject. If, indeed, we were able to do with the mind what we could do with the body—if we could obtain an accurate mental standard, just as we could get a correct standard of height—I think we might be able to show at what part of the mental standard the mind of Mr. Windham ought to be put. If we had such a mental standard,—if we could show that the highest degree of mental capacity is represented by 100, and the lowest by 20—if the mean between 20 and 100 might be taken to represent the average standard of mental capacity, very likely the mind of Mr. Windham would fall below, and not above, the average standard; but I think that just as we do not call a man a dwarf because his height might not happen to reach the average standard, so it would be ridiculous to say that the mind of Mr. Windham, even if below the average mental standard, is unsound or incapable of managing affairs. You will be supplied with the clearest and most convincing proof that he is a person of great sensibility and of great powers of attachment and affection. You will also find this remarkable fact, that while, on one hand, he always evinced the greatest disposition to resist and oppose any person who he did not think treated him fairly and properly, so, on the other, to any one who treated him kindly, and with judgment and moderation applied the restraints which ought to be applied to young men of his age, he uniformly exhibited respect and deference, obedience and attachment. A word may be spoken here about what are called his eccentric tastes. Eccentricity is not unsoundness of mind, nor are eccentric tastes proofs of mental incapacity. Two eccentric tastes are attributed to Mr. Windham. The first is a taste for the management of railways and the society of railway guards. Upon this point nobody who has heard it can have failed to be struck by something which came out at a late part of the evidence. Some of the tutors, as a proof that he was a boy of low tastes, had stated that when at Eton he was constantly about the railway, and in the society of guards, observing, at the same time, that none of the other boys ever imitated his example in that respect. But it will be remembered that Bradley, the guard on the Eastern Counties Railway, who was called to speak to something which occurred on that line, stated in cross-examination that when Mr. Windham was at Eton he himself was a guard on the North-Western line; that Mr. Windham was then in the habit of riding in the van, and that every Eton boy did the same thing whenever he got the opportunity. There could be no doubt, indeed, that if an Eton boy could get upon the engine,



MAJOR-GENERAL WINDHAM, G.C.B.

and were allowed, under proper care and supervision to work the lever or blow the steamwhistle, that was exactly what he would desire to do. You will see, therefore, that the taste is one which in Mr. Windham has been a constant taste, and which he has indulged from the earliest times whenever he had the opportunity of doing so. Mr. Chambers, has asserted, in his opening speech, that Mr. Windham has been in the habit of acting as a railway porter. That statement has not been proved. Some of the witnesses have said that he used to shut carriage doors and call out to the passengers to take their seats when the train was about to start; but that was part of the business of a guard, and not of a porter. When coaches ran between London and Brighton they were driven habitually by amateurs, who took the shillings from the passengers, and acted in every respect like coachmen; and one of the sovereigns of a neighbouring country, remarkable for shrewdness and sagacity, used to spend a considerable portion of his time in the making of locks, and his fancy and delight was to associate with locksmiths. It is impossible to account for such tastes; they are eccentric, but not proofs of unsoundness of mind. You will have evidence placed before you, not only that Mr. Windham has a taste for the management of railway trains, but that he has always performed his work extremely well; not only that he was allowed to drive an engine, but that he knew perfectly well how to do it. I venture to submit that it is no small proof of competency, and of the power of acquiring knowledge, to find that a young man, whether by means permitted by the railway company or not, has so informed himself of the working and operations of a complicated piece of machinery like a steam-engine as to be able with precision, and to the satisfaction of skilled persons, to drive a railway train. Mr. Windham perfectly understood how to apply the break; he has been again and again allowed to drive the engine, and, with one exception to be noticed in its proper place, not only has no accident ever occurred, but there never has been the slightest appearance of an accident likely to occur in consequence of any incompetency on his part. The other eccentric taste attributed to Mr. Windham was a fondness for walking about with the police and imitating their actions. Even upon the evidence adduced by the petitioners, there is nothing serious in his association with the police. It was evidently meant as a joke, though, perhaps, a bad one. Owing to circumstances which are greatly to be regretted, and for which his guardians were in no small degree responsible, Mr. Windham went through a season of London dissipation, in the course of which he was in the habit of frequenting the Haymarket, described as the noisiest part of the town. He took a fancy, not of obstructing the police in the execution of their duty, which some others did without being called mad, but of making acquaintance with them and imitating their airs and authority. The joke may have been a bad one, but is it seriously to be brought forward as a proof of insanity than a young man, under such circumstances as I have described, not attempting to interfere with or embarrass the police, should choose to form an acquaintance with them, imitate their manners, and show that he appreciated them in a high degree by comparing their superior arts with the clumsy contrivances of the country police? A great deal of evidence has been adduced in support of the petition; but there is one kind of evidence which, I think, to use a phrase now familiar to all, is "conspicuous by its absence." I confess that I was much surprised to hear Mr. Chambers say on Wednesday, "Here we close our case." With the arrangements of my learned friend as to his witnesses I have no right to interfere; but I certainly have assumed that the case against Mr. Windham would not be closed until you had seen in the witness-box every one of the petitioners who could by physical possibility have attended the inquiry, and more especially until you had heard the evidence of such of the petitioners as in the privacy and retirement of the Court of Chancery made affidavits for the purpose of inducing the Lords Justices to issue an order for this inquiry. What has happened? Two of the petitioners have been produced, and two only—the Marquis of Bristol and Lord Alfred Hervey. It will be my duty to comment upon their evidence, but the Marquis of Bristol and Lord Alfred Hervey are not petitioners who can tell you anything of the least consequence with respect to Mr. Windham, his acts, or his conduct. The petitioners who could have told you what would have been of consequence are not produced and are not examined. In a case of this kind, where, with a single exception, the whole of a family are arrayed against one of its members for the purpose of trying to persuade a jury that he is of unsound mind, it is the positive obligation and duty of every member of the family who so asserts to come forward and tell in open court

all that he knew—to state whether he knew anything or merely acted on hearsay. Such is the bounden duty of the petitioners in such a case as the present, and I venture to say that it is also the privilege and right of the jury to insist that this should be done, or if it should not be done, to draw proper conclusions from the absence of these persons. Speaking of the petitioners as a body, what is the consequence of their not being produced as witnesses? I give them the choice of either horn of this dilemma—either during the fifteen or seventeen years of the life of their relative over which this inquiry has extended, they were in the habit of seeing him and observing his course of life, or they were not. Which do they choose? If they were, why have they not been examined? Why were we to go to St. Petersburg, to Spa, to Edinburgh, to almost every part of the kingdom for those who, from transitory glimpses of him at a dinner party or a ball, formed the opinion that there was something in his laugh, or the sound of his voice, which proved him to be an idiot? Why are the petitioners, the members of his own family, who must have been the observers of his whole life, to absent themselves, and decline to support their petition by their evidence in open court? Take the other horn of the dilemma. Supposing the petitioners were to say, “We never held any intercourse with him, did not as a body recognise him, or admit him into our families, never associated with him, or endeavoured to improve his mind where it was defective, or his manners where they were rough.” If such is their language, I am not surprised at their absence. I should like to know, however, whether the petitioners have really stayed away because they are afraid of telling that they never saw their relative, never associated with him, never informed themselves about him until a time came when they thought the property was in question. Mr. Chambers in his opening speech, referring to the subject of property, takes credit for the motives of the petitioners, and states that General Windham is so much older than his nephew that he could not benefit from the property. Let them examine that point. There is an estate called Fellbrigg, which, when Lady Sophia’s jointure falls in, will be worth £3,000 a year. The devised estates in 1869, when the mortgages will be nearly paid off, will produce about £9,000 per annum. Here is an income of £12,000 a year in all. Supposing it could be determined that Mr. Windham is an imbecile and incapable of taking care of his affairs, and that his marriage is null and void, what will be the consequence? The person next in remainder to the whole of this property of £12,000 a year is General Windham for his life, with the remainder again to every one of his sons. If Mr. Windham were of imbecile mind no marriage could be contracted; he would live and die a bachelor, and the whole of the property of £12,000 a year would be as well and firmly secured to General Windham, if he lived long enough, but, at all events, to his family, as if the best conveyancer in England or the world were now to convey and settle it in that way. It is idle to say that General Windham is free from the possibility of suspicion because, forsooth, he is older than his nephew. Here is the transfer of the entire property to his family, whether he might himself live to enjoy his life interest or not. But the matter does not stop there. Look at the position of the petitioners. Were Mr. Windham to be declared insane, the authorities in lunacy would regulate the property. Everybody knows that a certain sum is allowed for the maintenance of the lunatic. Supposing that, out of the £12,000, some £3,000 or £4,000 a-year are allowed for the comfortable maintenance of the lunatic as a bachelor, £8,000 per annum remain. Supposing that the contingency of the lunatic living a long time, say forty years, and the General not coming into possession, were to happen, there would be at the death of the lunatic an accumulation of between £300,000 and £400,000—a very pleasant thing for the next of kin. Who is the next kin? The other petitioners. I am not going to impute motives, but those who carry on an inquiry of this kind ought to be above not merely blame but suspicion, and they are not above suspicion if they shrink from the light of day and from telling everything they know. They are not above suspicion if they shrink from coming before the court, and allowing to be investigated the course which they have taken in getting up these proceedings; and they must not think it hard if their conduct in not coming forward and submitting to cross examination is severely criticised. I find that there are eleven heads of families who are petitioners before the Lords Justices. One is Mrs. Cecilia Ann Baring, who has made an affidavit that she is an aunt of Mr. Windham. Has she offered to repeat in court what she has sworn before the Lords Justices? Then they have Mr. John Henry Windham, called Captain Windham, who has been receiver of the whole of the estates. He is intimately acquainted with them, and

with everything which has been done about them. He knows all about Fellbrigg-hall, is not a stranger to his nephew, or to the acts he has committed. He has made an affidavit that is part of the material before the Lords Justices, and before the medical men. Where is Captain Windham? Is he unable to attend? or is it suggested that he cannot give valuable information? What is the reason he cannot come forward and repeat in the court, in the light of day, what he has told the Lords Justices, and give me and my learned friends an opportunity of testing the accuracy of his statements? Then there is Mr. Hook, a banker in London, and one of the guardians of this young man, appointed by the Court of Chancery. He could have told the jury something about Mr. Windham's money matters, and the means that have been taken with regard to his education. Is it to be tolerated that such a gentleman should be allowed to make affidavits before the Lords Justices upon which he could not be cross-examined, and then withhold from the jury in open court? I should have liked to ask how it came that he allowed Mr. Windham to go to London to make his own bargains, and to expose himself to all the vices and temptations of London life; and whether at that time he was of opinion that Mr. Windham was of unsound mind; and if he was, has he not neglected his duty? I should have liked to ask him whether he ever sought to restrain and rebuke him, or recommend to him a purer and better course of life. Mr. Hook, sold the alleged lunatic a horse in the summer of 1861. He believed the horse was worth what it was sold for, and that Mr. Windham knew its value very well; but how comes Mr. Hook to sell his ward a horse, believing him to be of unsound mind, and not able to manage himself or his affairs? Is it this circumstance that keeps Mr. Hook out of the box? I should have liked to ask Mr. Hook what steps he has taken to prevent the marriage of his ward with Agnes Willoughby, of which he was apprised; or whether he communicated the fact to the Court of Chancery, who appointed him the guardian of this young man. Now I come to the Ceryphæus of the petition, General Windham, who was appointed guardian under the will of the father, and who, from his intimate knowledge of the young man, could have given the fullest information. General Windham has been in Court through the trial, but he dares not appear in the open light of day before an English jury, and dares not repeat on oath what he has stated in four affidavits before the Lords Justices. I should like to know when General Windham first entertained the idea that his nephew was of unsound mind—whether, when he allowed him to rush into London life, he was satisfied with his mode of life—whether he remonstrated with him and reproved him—and whether he endeavoured to restrain him—whether, when he complained of the fondness of his nephew for low company, he (General Windham) living in London, and in a distinguished position, took any steps to introduce him into better society, and to enable him to consort with better company. I should like to know, further, what steps he took to prevent the contemplated marriage, of which he was apprised on the 28th of August; and why he introduced Mr. Jackson to Fellbrigg, for the purpose of bringing about a transfer of the estate. To the evidence of the two petitioners who have come forward I give the fullest weight, but I shall endeavour to show the jury what is the effect of it. I will take Lord Alfred Hervey first. He agreed with Dr. Dalrymple that Mr. Windham was an ill-trained and spoiled child, and then gave various details of his after life. (The learned counsel read and commented upon the witness's evidence.) The other petitioner, the Marquis of Bristol, who has been examined, does not even venture to hint that Mr. Windham is of unsound mind. The learned counsel commented at great length on the evidence of Mr. Cheales, Mr. Windham's private tutor at Eton, which he said was inconclusive, and did not justify the opinion at which the witness had arrived. Adverting to the evidence of another tutor at Eton, he observed that Mr. Hale, his mathematical tutor, said that, though he had made a row when he came up first, he "funked," after being put into the bill, and ever after that, was very amenable to discipline, showing that he acted like any other properly-minded boy. It was only when he was treated unfairly or capriciously, as he had been by his private tutors, that he attempted to resist authority. Then, again, Mr. Whiteside, the cornet of Hussars, said that he had never heard any one called "mad" at Eton but Mr. Windham. I (continued Sir H. Cairns) appeal to all who have been at the public schools to know whether Mr. Whiteside's acquaintance must not have been very limited at Eton if he has not heard that term applied to more than one boy. The learned counsel commented on the evidence of Mr. Goodwin,

another tutor, as totally insufficient to justify the conclusion at which he had arrived. The next witness is Colonel Bathurst, who, no doubt, was mortified at not finding a cultivated companion in Mr. Windham during their tour on the Continent. Colonel Bathurst gives as a proof of the cruelty to animals which the petitioners wished to make out, Mr. Windham's on one occasion beating a horse he was riding until there were weals on its sides. Of his eating, he said he only saw him eat a little too much; while of his laughing, he observed that there was nothing particular about it, except it was rather unrestrainable. As regards Mr. Windham's calling the attention of the ladies to the staling of the mules, nothing of any consequence could have happened; or the attention of Colonel Bathurst must have been called to it, and Mr. Windham would have been obliged to leave the party, or to have made an apology for his conduct. Colonel Bathurst said he did not frequently get into a passion, and that he did not see him get into a passion without a cause. As regarded the use of money, the only evidence given by that witness is that the only injudicious use he had seen him make of money was to purchase a suit of clothes which were not quite of so good a quality as they ought to have been for a person in Mr. Windham's position. Mr. Horrocks, the next tutor, was with Mr. Windham from October, 1859, to November, 1860. There had been a standing dispute between them from the outset. Mr. Horrocks wanted to travel on the Continent, and Mr. Windham to stay at Fellbrigg. That established at once a *casus belli* between them. As regards the engagement of Mr. Windham with the young lady of St. Leonard's, and his wishing to turn Catholic, Mr. Horrocks would not deny that all Mr. Windham had ever said on the subject was that he would not mind turning a Catholic to marry that girl. Mr. Horrocks said that Mr. Windham ate like an animal; but it must have been like that animal called man, for Colonel Bathurst, who had been with him for five months, had never seen anything remarkable about his eating. When Mr. Windham was noisy and boisterous, he threatened him that General Windham would put him into a lunatic asylum when he came from India. Though Mr. Horrocks appears to have been a very bad tutor, he was a very good prophet. He justified not teaching Mr. Windham anything by saying that he was not put there to teach him anything. That gentleman had been dismissed by the Vice-Chancellor on account of charges made against him of his treatment of Mr. Windham in boxing his ears. The whole narrative of the final dispute between Mr. Windham and his tutor was one which does not reflect to the honour of Mr. Horrocks, but it does reflect to the honour of Mr. Windham. Mr. Windham has, with the knowledge of the Vice-Chancellor, been with his regiment of Norfolk militia, by himself, for a whole month. The fact of his having been there entirely annihilated the whole case up to that time as to his being of unsound mind. It is very remarkable that no letter written by Mr. Windham has been brought forward by the petitioners. I propose to prove in evidence some letters written by Mr. Windham to his mother, which are very like letters written by a young man of considerable judgment and ability. The learned counsel then read and commented upon the following letters:—

“St. Leonard's, Sept. 25, 1859.

“Dear Mama,—I have had a hard battle, but I stood my ground against going abroad in spite of Lord Alfred's threats, which he sent to me through Horrocks, saying that if I did not go abroad I should not be allowed to go to Fellbrigg in the autumn; but I was more determined than ever not to go when I received these messages from Horrocks. I told him, simply, I might have yielded and gone; but now, since I have been threatened and intimidated, I will not leave England in spite of any threats. This morning, at Folkestone, he went with a friend of his, who was going to London, to the ticket office, and wished me to come to the station. Well, I walked down, and I saw him go to take two tickets; so I said, ‘Where is the luggage, and where are we going?’ He said, ‘It's on board. Here is your ticket for Boulogne.’ I said simply, ‘Then the luggage may go without me, and so may you. I shall not touch that ticket, or set my foot on the boat.’ He then commenced blackguarding me before the porters and people, called me a lunatic, and said I was mad and insane, and never should come to the property. He said to his friends, ‘Oh, he has had a letter from his dear mother,’ with a sneer. I must now say adieu, and with best love to Emily and Constance, believe me yours affectionately,

“W. F. WINDHAM.

“Direct, Victoria Hotel, St. Leonard's-on-Sea.”

"No. 12, Grand Parade, Hastings, Tuesday, 28th.

"Dear Mama—Alfred (Lord A. Hervey) is really too bad. He has written again to Horrocks, telling him to tell me that I shall not be allowed to go to Fellbrigg, as I have not gone abroad, but I shall be sent to some strict tutor's to read till I am of age, in some obscure part of England. He seems to think he is above Sir Wood and everybody else concerned. Now I think very probably we shall have a war with Spain or some other country soon, by what the papers seem to say. Now, what I want is to get our regiment embodied, and then Alfred cannot help my being with them, and allowing me a good round sum of money. Now, if Lord C—— and some others were to try, I think it might be managed that we should be embodied and stationed in some jolly place like Shorncliffe or Plymouth. I think you might ask him, or else I shall try and get into the Life Guards, or some other regiment, as the money is now reduced for commissions. If I go on with this life I shall go melancholy mad. I cannot bear it. Do look sharp and do something. Good bye. Love to Johnson.—Believe me, your affectionate son,

"W. F. WINDHAM."

(The Lord C—— in the above letter was understood to refer to the Earl of Clarendon.)

"Pavilion, Folkestone, Monday Morning.

"Dearest Mama,—Horrocks has written to Alfred stating that we shall be here for some few days, and that he hopes to be across the water some fine morning. He is very much mistaken though as regards that. He has been writing to Lord Belhaven and others, saying that you have tried to ruin him for life. You must try and settle with Lord C—— at once, and lose no time when you see him on Wednesday in getting him to do the thing at once. Horrocks says that he will never go back to Fellbrigg, and that he should be very soon dead if he was to go; so we must manage to get the appeal so worded that I can come and live with you altogether. I hope Lord C—— will succeed, because I want to have a London season. If any letter comes for me from Norwich or anywhere, forward it to me here—Pavilion, Folkestone. I must now say good bye, with love to mama, Theodore, Emily, and Constance.—Ever your affectionate son,

"W. F. WINDHAM."

"Sandgate, March 22.

"My dear Mama,—The reason we left St. Leonard's is rather good. You will be much amused how some of our friends find it rather hot for themselves. I found some of our Torquay acquaintances there with whom I used to amuse myself, and I found then that Horrocks had met them abroad. Well, I got to like the place, and enjoyed myself. He found a lot of people he knew, but I only knew these people. Well, we went to their house, and they and I got on very well together. One of them which I liked best was a Roman Catholic. Well, I found out that they also knew a little about Horrocks, and the moment he saw how matters stood, that I was generally with them, he took it into his head to leave, and almost insulted the young lady he knew of the party, though she shut him up very quickly. Direct Post-office, Sandgate, Kent, to me. I enclose you a note for Sir E. Lacon, which pray forward at once, and explain all which I told you to write as well as to him. Good-bye, dear mama, and believe me your affectionate son,

"WILLIE."

"Saturday Morning, Sandgate.

"Dear Mama,—I told you that we moved here and the reason in my last letter. Well, the adjutant has written to the Horse Guards to get me leave; so, at least, he wrote to Horrocks. Now I want that stopped. You asked me in your last letter how I was off for money. Not very well, considering that I have only 28 shillings a week, and here that soon goes if any of the officers ask me to go with them anywhere, and it is no good to ask Horrocks, as he says, 'You only spend it and throw it away.' A donation of a £5 note would be exceedingly acceptable on Monday morning next, if I could get it, but I don't like to borrow, for there is so much row, and one is really treated so much like a dog. Now one cannot get even £100 a year, nor yet enough to amuse myself with, and it looks so foolish for me not to be able to have any money, and people all seem to think so. I must now say adieu, trusting on Monday morning to hear from you, and perhaps to get a little donation in the shape of a £5 note, which will be acceptable. Good bye, dear mama, and believe me your affectionate son,

"WILLIAM."

"Sandgate, March 29.

"Dear Mama,—I got your letter and telegraph. I have written to uncle Hook, and shall also write to Sir W. Wood and tell him I wish to join. I want my tailor to

make me a pair of trousers (military) for every day. He knows, if you tell him, what sort. Try and see uncle Hook and get me £200 a year. Now I must have a yearly allowance, and directly, as I must join with money, like others. It ought to be paid to Cox and Co., the regimental agents. See to this at once. I think we shall go to the Isle of Wight soon. I shall write a letter to Sir W. Wood, whom go and see, and tell him from me I wish to join, and also that my colonel thinks I ought. Look sharp, go and do it, or better go with Uncle Hook, as he always sticks up for me and mine. Good-bye. Your ever affectionate son,

"WILLIAM."

"April 25, Sunday.

"Dear Mama,—Horrocks watched me so close, and besides, having no money, I could not get away last Sunday. He goes up to-morrow to London, to see my uncles Hook and Alfred about what is to be done, so look out. I write in haste. Send me my clothes down here; that is, my blue uniform and my white coat, which I left, and my white waistcoat also. Try and get me two weeks' holiday to spend with you while they are settling, and come down and spend them in the Isle of Wight, and then the Vice-Chancellor will grant it—more likely so than for me to come to Brompton. Now do as requested. Love to Johnstone, and believe me, your ever affectionate son,

"W. F. Windham."

"Sunday, 22nd, Victoria Hotel.

"Dearest Mama,—I am happy and contented, praised by the adjutant, and told I march and hold myself, and learn my drill quick and well. I marched this morning at the head of my company. If they attempt to touch me, go to Cambridge at once. That will stop all nonsense. Come down to see me when the weather gets warmer. We are ordered to hold ourselves in readiness for being embodied perhaps. Good by, dear mama; please send me a little donation, as I have nothing, and believe me your affectionate son,

"W. F. WINDHAM."

Now would the jury, from what has been expressed of Mr. Windham's youthful conduct, have believed without hearing them that he could have written such letters as those? The last tutor Mr. Windham has had was Mr. Peatfield, with whom he was when the Vice-Chancellor decided Mr. Windham was quite competent to determine whether he should go abroad or remain at home. He travelled in Scotland, Ireland, and the Channel Islands. In Edinburgh they appeared to have been very fond of going to the theatre, where Mr. Windham picked up a song from a burlesque of *Fra Diavolo*. All that Mr. Peatfield could say of that was that Mr. Windham in repeating it out-heroded Herod. Mr. Peatfield said that liquor excited Mr. Windham, though Mr. Horrocks said that it only made him heavy and sleepy. The whole evidence of that witness is strongly in favour of the perfect sanity of Mr. Windham. The learned counsel, after commenting upon Dr. Nichol's evidence, said that the way in which his father has left his property to Mr. W. F. Windham is a proof that he thought him of perfectly sound mind at the time of his death. Commenting upon the evidence which had been offered by Mr. Johnson and Mr. Scott, the learned counsel said nothing could be more trivial than that which they had stated as proof of the unsoundness of Mr. Windham's mind. Coming to the second period to which he had referred—viz., that from the period when Mr. Windham came to Duke-street until the period of his marriage he said—I should like to know how the guardians of Mr. Windham and Mr. Peatfield can justify bringing him from the country and allowing him to choose the lodgings in Duke-street, and keep the company which he did there? His bargain with Mr. Lewellin as regarded having wine at the wholesale price was certainly that of a rational man. His conduct, too, in allowing Mr. Lewellin to take care of money which he did not require, was that of a capable man. He was treated like any other lodger there, and had a latch-key. Could any conduct be more rational than that by which he had protected himself from an improper and unjust charge on the part of his groom? If he had all the objectionable qualities which Mr. and Mrs. Llewellyn now stated, how was it that they had accepted him as a yearly tenant after having a month or six weeks' experience of his conduct? The only instance of slovenly dressing which Mr. Llewellyn gave was when Mr. Windham came home after driving the train, and when he himself had stated that he was in a jolly pickle. As regarded the alleged noise he made, the jury must test that by the fact that there was not a single lodger, or neighbour, or passer by, who could be produced, to say that they were annoyed by any one of those noises, or had felt them to be a nuisance. The learned counsel referred to conversations of Mr. Windham with the Llewellyns as a proof of his mental capacity, more especially where he had

attempted to blind them as to his intentions in regard to marrying Agnes Willoughby. Much of the evidence of the Llewellins was mere rubbish; such for instance, as the running naked out of the bath-room, which amounted to nothing more than Mr. Windham's partially undressing himself in the office before going into the bath-room, and frequently running from one room to the other to complete his toilette. There is nothing in the evidence, even assuming it all true, which indicates any wilful or designed exposure. The thing is grossly incredible, and overthrows the credibility of the witness, who has involved himself in numberless contradictions in giving the evidence. The next piece of rubbish is the evidence of Mrs. Llewellyn, that when alone with Mr. Windham he had threatened to rip her up. All such things as that generally happened when there was no one present to speak to the facts. Her whole evidence is full of gross and palpable inconsistencies. His shouting could be resolved into the desire of a boisterous young man, who desired to give utterance to his exuberant spirits by a hunting cry, wishing to do so with the least possible annoyance to those in the house by throwing up the window and hallooing out into an enclosed back yard. As regards the cases of exposure, with which Mrs. Llewellyn has charged Mr. Windham, they are clearly and palpably false as regards the second and third times of their alleged occurrence; and if the witness can make a false statement as regards the second and third times, she would not hesitate to invent the story altogether. Then, again, with respect to the charge of dirtying the bed, than which there was not an instance in the annals of justice of a more cruel and barbarous charge having been made as between man and man, much less as between a number of relatives and the youngest member of the family. It has been introduced by his learned friend, and stated by witnesses to be habitual, the inference which it is desired should be drawn being of course that it was that want of self-control which frequently attends imbecility; but cross-examination has reduced the matter to two or three doubtful cases, when Mr. Windham had been suffering from disease.

The proceedings were here adjourned until next day.

FOURTEENTH DAY.—FRIDAY, JAN. 3.

The inquiry into the alleged lunacy of William Frederick Windham was continued in the Court of Exchequer, Westminster, this being the fourteenth day of the proceedings.

SIR HUGH CAIRNS' SPEECH—CONCLUDED.

Sir H. Cairns continued his opening speech. He said, I have yesterday taken the liberty of reading to you some letters from Mr. Windham, written in the year 1860, principally relating to matters which were then in dispute between himself and Mr. Horrocks, and his own movements connected with them. Letters from Mr. Windham will be produced in evidence, as it were by accident, because letters of that kind will not naturally be kept. It is by the mere accident that they are relevant to the inquiry before the Vice-Chancellor that they have been preserved by his mother. But since yesterday a few more letters have been obtained, simply by accident; for Mr. Windham's mother, who lies on a bed of sickness, and I fear on a bed of death, is the only person from whom we could obtain such letters. I will read four letters from Mr. Windham to Lady Sophia, written while he was at Eton, in the year 1855: The date is not given; but they written shortly before he left Eton:—

The letters are as follows:—

“Eton, Sunday.

“My dear Mama,—I am very glad to hear you have written. I thought you would have done so before now; though I do not wish to break my promise, yet it is very hard to find anything to do—in fact, there is nothing now, and the ice is so thick. Now, Mr. Younge took some boys to skate the other day from here, and would have taken me only the promise prevented him. But still I don't wish to break my promise, only, as I say, there is nothing else to do. My cold is better, and so is my eye. Have you got Don (his pony) down there with you yet, or not? Will you write and answer me soon. There is very nearly a fair on the Thames; there are quantities of people everywhere. You can skate from Kingston to London on the Thames. So hard is the frost that I had my sponge and water frozen this morning in my room, though I had a fire. Five weeks more and I shall be at Torquay, I hope well and sound. Mr. Younge will write to-morrow or the next day, as I am writing to you to-night. I have been vaccinated, but it

did not take. My cold is better. Good bye, dear mama, I must finish now.—
Believe me, ever your most affectionate son,
“W. F. WINDHAM.”

“Eaton, Sunday 18th.”

“My dear Mama—Saturday, the 31st, is the day, at four o’clock, if it all goes right. I shall see ——. I want to give two leaving books, if I may, of a guinea each. Will you give me leave? Mr. Younge will give me an order. Will you write me an answer, please, as soon as possible, because I have chosen them. Mr. Younge is making me get up my collections. May I ride Don up to the house? Won’t he jump, when I see the train come in? I wish you would let me have one of the retrievers up. I want to make them accustomed to me. I should like Duchess. I think the reason Goodford would not give me leave was because he thought so many others would ask for it also. I don’t think they would, because they would not know anything about it. Mr. Younge hopes you have received his letter.

“Good bye, dear; I hope I shall see your letter when I come on Saturday.—
Believe me ever your affectionate son,
“W. F. WINDHAM.”

“Eton, Sunday, 25th

“Please answer me immediately about the books.”

“Rimpton, Friday 23rd.

“My dear mama,—I am very sorry for not having written before, but I have so much to do that I have hardly any time for doing anything. May Mr. Hawtry advance me some money—about £3 of my next allowance, as I paid several bills myself, and so I have none left? Will you write and let me know soon, please? I wish to ask you because I thought it was best to do so, as I did not know whether you had told him to give any besides my allowance. I should like a little present of £4, because it is such a temptation to run into debt (if one has no money to pay), as well as to borrow of the other fellows, and as I want things now and then. Besides, there is my drawing lesson, which costs 6d. every time, as I must put up at the hotel, and so it comes rather expensive. I can assure you it is only a guinea and a half if I go there to the man, as it is a public class, but there is only one other person besides myself yet, but if he came here he would charge a great deal more. Dutchman comes very useful for me to ride on every Wednesday to Sherborne for my lesson—in fact, I do not know what I should do without him, as it is a good five miles from here. I have made my money last as long as ever I could, and I spent my last 2s. to get a ticket for the lecture, which we all went to the other evening. Thackeray was the man—the celebrated man who went to America. One heard a great deal about him in the papers. So if you will write soon and give me leave to ask of Mr. Hawtry for £4, or half of it, I shall be much obliged. I should have asked to have had the little present of money which you were unable to give me. I wish you could do it, because I am sure I do not ask without reason—that is, I like to have money in my pocket, and keep out of debt.

“Good bye, dear Mama.

“Trusting you are well; and, also that you will let me have what I ask for,

“Believe me your affectionate Son.

“P.S.—When will you come to Rimpton? ‘Gloria Deo in excelsis.’

“P.S.—I think I shall be home about the 30th or 31st of March. Try and learn ‘Euclid,’ so as to be able to do it well during my Easter holidays.”

“Tuesday, Dec. 2.

“My dear Uncle Alfred,—Excuse my writing and troubling you again for advice; but I have received a letter from my uncle Charles, who wants an answer, and I want your advice, because he now says he does not want to send Jeffy away, but to let her live there without any pay, and to give Mary Turner a place under her; and when I receive your answer (or from mama will do) I shall write to uncle Charles. Now the first question is—Will Jeffy stay at Fellbrigg without wages or not, and, if she will, what, then, can we give Mary Turner under her, who has only been a lady’s maid? The only plan I can think of is, that Woods should leave mama, because she has not lived in the family except with mama, and let Mary Turner come and live with mama as her maid. Give my best love to grandpapa and mama. I enclose the letter of my uncle Charles to me for you to look at, and when I get your answer shall write to him about it.

“Good bye dear uncle Alfred. This will not trouble you much.—Believe me, your affectionate nephew,
“W. F. WINDHAM.”

I do not think, after reading these letters, that the jury will be of opinion that they

have been written by a boy who had at Eton, according to my learned friend's opening speech, only displayed the instincts of the lower animals, and who was totally unable to appreciate the value of money, and whose extravagance was so extreme as to amount to positive folly. I have seen many boys of 16 or 17 who could not have discussed the proposition about Fellbrigg with the acuteness, deliberation, and shrewdness with which it is discussed in the last letter. With regard, also, to the handwriting of the letters, it strikes me as rather remarkable that a boy who had lost the top joint of his thumb at that time, from the accident at Eton, should have been able to write as well as those letters are written. The learned counsel then proceeded to comment at great length upon the evidence of Mr. and Mrs. Llewellyn. He said: The partisanship they have exhibited in favour of General Windham has been so apparent that it is scarcely necessary for me to remind the jury of it. Added to that, they have contradicted themselves, and each other; and altogether their evidence is such as will not receive in any court of justice in England the slightest weight or attention. I pass by the evidence of Mr. Corballis relating to matters in Duke-street, as being of no weight; but what has become of all the men servants? Why have they not been brought forward to strengthen the evidence of Mr. and Mrs. Llewellyn? What has become of the lodgers in the house, of the two Mr. Campbells, and Colonel Broughton? Surely, as Colonel Broughton had dined with Mr. Windham, and had made a pilgrimage with Mrs. Llewellyn to get up evidence against him, he might have given evidence of some value to the case. The Rev. Mr. Bates has told you that his remonstrances with Mr. Windham for swearing produced in him a mixture of sheepishness and fear. Surely that was not to the discredit of Mr. Windham. The rev. gentleman has also stated that Mr. Windham told objectless lies; but when pressed to give an instance of such a lie, he could only specify the occurrence at the South-Western Railway terminus, which, if a lie, was certainly not an objectless lie. Mr. Atkins, the boot-maker, has formed his opinion of Mr. Windham's state of mind, from his having, on one occasion, ordered two set of boot-trees for one pair of boots; assuming that he was to supply two sets of trees for every pair of boots. The fact was that the order bore no such construction, and that Mr. Atkins himself admitted that two sets of trees for one pair of boots was not an unreasonable order from a gentleman who lived sometimes in London and sometimes in the country. He admitted, also, that the number of pairs of boots ordered was not unreasonable, and that Mr. Windham's mode of settling his accounts was most business-like, for he had always been referred by him to his solicitor for payment. As regards the occurrence at Fellbrigg on the 7th and 8th of August, I was surprised that Mr. Hansell was put into the box on that matter, instead of General Windham himself, until I found out that it was the endeavour of Mr. Hansell to put a complexion on the matter that would lead the jury to suppose that young Mr. Windham had brought Mr. Jackson there instead of General Windham. Mr. Hansell and Mr. Jackson, who is the nominee of General Windham, talked over the proposal which was to be made to young Mr. Windham on the evening of August 7. Mr. Jackson, who is said to be the solicitor of young Mr. Windham, the next morning made a proposal which Mr. Windham had never heard of before. That proposal was that Fellbrigg-hall should be taken from Mr. Windham, that he should be made tenant for life only, and that it should be handed over and made a part of the devised estate, subject to the trusts of the devised property, and in return for Fellbrigg a certain amount of the devised property should be given over to Mr. Windham to do what he pleased with. The object of the proposal was that Fellbrigg-hall should come at the right time into the possession of General Windham. That is a proposition made by one who is said to be Mr. Windham's own solicitor, to a young man legally of age on that day (the 8th of August), though his birthday was not until the 9th, and who is now said to be insane. Mr. Hansell has said that Mr. Windham did not understand the proposition; but his answer to Dr. Winslow showed that he did fully understand it, for he had as accurately described the proposition as a lawyer could have done; he had at once refused the proposition, and, though Mr. Jackson was left alone for half an hour with Mr. Windham, he said that he could do nothing with him. Mr. Jackson, the acute London lawyer, told him that he could cut timber from the devised estate, but Mr. Windham said it could not be done, and the will of the late Mr. Windham showed that it could not be done. He said that the proposition was not for his benefit, but for that of Gen. Windham and his sons, and, having his own interests clearly and accurately before

his mind, steadily refused to have anything to do with the matter. If Mr. Jackson had prevailed, and an agreement had been made, then you would never have heard of these proceedings, and you would never have heard it suggested that Mr. Windham was of unsound mind. I now come to the third period into which I divided the case. With regard to the marriage, I wish to state exactly the view I desire to present of that part of the case. We have had very little given to us by way of evidence of the circumstances which led to that marriage. There were two witnesses present at that marriage who could have given much information as to the way in which the relations conducted the inquiry into the state of mind of their nephew, excluding from the view of the jury the full history of the transactions which were only given in such isolated instances as they thought proper to give. They therefore have simply proved the marriage by the registrar, without calling the witnesses to the marriage. The whole history of the marriage may be thus stated. Mr. Windham had formed the acquaintance of this lady about the time of Ascot races, in 1861. She was at that time in the keeping of a gentleman whom they would call A.B. She had a very handsome allowance from that gentleman. I believe of £2,000 a-year. Mr. Windham was very much struck with her, or, to use a common expression, had fallen over head and ears in love with her. The lady at first was not at all anxious or desirous to leave the position she was in, or to enter into the married state. The gentleman A.B. had no objection that she should do so, and the matter was one of negotiation for some time, the gentleman saying that he was willing, if the parties themselves arranged it, to resign all claim upon the lady, and after her marriage to discontinue any acquaintance with her whatever. He is a gentleman known to Mr. Windham, and known by him to be a man of honour. The lady was tempted by Mr. Windham with the offer of a settlement, and she said, very candidly and fairly, what weighed in her mind was the advantage she might derive, not so much for herself as for the benefit of two young sisters, whom she wished to bring up and educate as ladies, and to whom she could by marriage now give a better position in society than that which she maintained. This had occurred at a time when the subject of the position of ladies of this kind in the world had been very much debated and written about in the public newspapers. It was a subject that Mr. Windham took some interest in, and it was the subject of conversation between him and his old, faithful, and attached friend, Mrs. Martin, the housekeeper at Fellbrigg. He did not get any encouragement from Mrs. Martin, to whom they could well imagine how utterly distasteful such a marriage was and would be. However, the lady was tempted to entertain the proposal by the advantages which were held out. You will find by the evidence which will be offered that both she and Mr. Windham consulted Mr. Bowen May, a well-known solicitor in London, who had previously been consulted by her in some small legal affairs. You will find that Mr. Bowen May had given them both very wholesome advice. He first suggested to the lady that she might be doing herself an injury by changing her state. He suggested to the gentleman that he was enamoured of a young lady of very expensive habits. He put it to him whether his means were such as to support a wife of that kind. Mr. Windham discussed with Mr. May his means and property. He told him the extent to which he could make arrangement for the settlement to be made on the marriage. You will find that the lady first wished for an immediate settlement to be made of £1,000 a year. You will find that Mr. Windham, enamoured as he was of the lady, and anxious by any means to accomplish the marriage, demurred to that, and said that, having regard to his mother's jointure, and taking the state of the property into consideration, he could not in his present state of income, secure so large an immediate annuity as £1,000 a year; but after some consideration the matter was accommodated thus: After most careful consideration by Mr. Windham he said, "If you will take a small annuity for the present, I will agree to an increase in 1869, when I come into the larger income that I expect to receive then." It then became a question whether the annuity should be for life or in perpetuity. Mr. Windham wished it to be a life annuity. The lady said, "No; I have told you candidly that I desire to secure a position for my sisters, and to bring them up as ladies. If I had a life annuity which might drop I do not know what would come to them. I must have an annuity over which I can have command, so as, if necessary, to make provision for them." It was an intelligible proposition which might either have been refused or accepted. It was accepted by Mr. Windham

and on that footing the settlements were prepared. All will say that such a marriage was to be regretted as being properly distasteful to society ; but at the same time nobody can say that such a marriage was in the slightest degree evidence of insanity. The medical witnesses have said nothing of the sort. It was a question of taste, and of very bad taste ; but at the same time men often get very much enamoured and infatuated ; there have been instances of such things, and there will be again. If Mr. Windham had married a lady of his own rank in life, and had made such a settlement upon her, would any one have suggested that they could take the settlement as a proof of unsoundness of mind ? If the marriage was only a question of taste, and no proof of insanity, so also the amount of settlement was no evidence of insanity. Now, what was the course taken by the guardians in relation to this marriage ? Although it was so noised abroad as to be perfectly well known to Mr. Hook, Mr. Chapple, and General Windham, on the 28th July, none of them had gone to Mr. Windham and said to him, "Tell us about this affair, and let us give you advice on the subject." The relatives would not interfere, although, as Mr. Windham was then a ward in Chancery, there was an ample time to have stopped the marriage. Even as regarded Miss Willoughby, whatever might have been her previous life and merits, it was known that she was going to sacrifice the position she held in order to become Mr. Windham's wife, and would it not have been right for some of those who now profess so much distaste for the marriage to have gone to her and said, "Now, do not misunderstand ; let us inform you of our views on this marriage. We believe that there is not sufficient capacity in point of mind in Mr. Windham to contract a marriage, and if you take any further steps you will do it at your peril." Would not that have been a fair and reasonable course to take even as regarded Miss Willoughby ? But nothing of the kind was done. Yet General Windham was in the habit of seeing his nephew at that time. He had taken him to Mr. Jackson, in Essex-street, to get him down to Fellbrigg. As long as that little affair was to be done about Fellbrigg Hall, there was not a word about incapacity to contract marriage, because that would have been fatal to the little affair of the 7th August ; and it was not until General Windham had been foiled in his small negotiation, that he seemed to think about the 26th or 27th of August that the marriage had better be stopped. But had he then gone to his nephew or to the lady ? No. He had taken the very mild course of saying to Mrs. Martin, "You have a great deal of influence with my nephew ; don't you think you had better go up to town and try and reason him out of this marriage ?" As no interference was attempted on the part of any of the guardians, the marriage had taken place. I now come to a disgusting subject, which I will dispose of as rapidly as possible : that is, the state of health of Mr. Windham at the period of his marriage. Dr. Illingworth said that on the 23rd of August he found Mr. Windham suffering from a disease which ought to have prevented marriage. He failed to convince Mr. Windham of its gravity, but induced him to go with him to Mr. Johnson. That eminent surgeon had said nothing to him about marriage. All he told him was that "he must be quiet, and take great care of himself." We have not heard what had passed between Mr. Johnson and Miss Willoughby when she called on him but we will show, by a witness who ought to have been called to prove the marriage—Dr. Witburn, who knew Miss Willoughby, and who was sent by her before the marriage to examine the state of health of Mr. Windham—we will prove that he examined him, and told him that he could observe nothing except an abrasion of the skin, which could be easily remedied ; that it was of no importance, and that there was no reason why the marriage should not be consummated. On the strength of that opinion Mr. Windham concluded the marriage, and Dr. Whitburn himself was one of the witnesses to it. The question of the jewels is one which is very easily disposed of. There were two sets of jewels, one purchased before the marriage, and one set afterwards. The set bought before were worth £6,000 or £7,000. Is that present of jewels an unusual present for the heir of considerable property, and of illustrious name, to make to a lady to whom he is going to be married, who is not anxious to marry, and to whom Mr. Windham has to make presents to induce her to do so ? The reason of the second set of jewels being presented to Mrs. Windham, after the marriage, has been distinctly stated in the evidence of Mr. Daw, and by Mr. Windham himself to Dr. Winslow. It was to compensate her for the injury which had been unintentionally inflicted on her by Mr. Windham from his ignorance of the disease under which he had been labouring at the time of the marriage. Surely that present is no proof of callous-

ness, insensibility, or want of proper feeling. Mr. Daw's evidence, continued the learned counsel, is of a character to prove distinctly and clearly that, in extending the times of the bills of exchange, the conduct of Mr. Windham was perfectly sane and sensible, and that he knew how to look after his own interests in business matters. I will ask the jury whether in the matter of the jewels, altogether, they consider that Mr. Windham acted from what my learned friend calls merely the instincts of the lower animals? The timber contract has been much misrepresented. When Mr. Windham came of age he had no ready money. He might have sold part of the Fellbrigg estate. He might have borrowed money on mortgage, or he might have sold timber off the estate. That was the clear and wise course for him to take, and that was the course which he had taken. Now, they will prove in evidence by Messrs. Lawrence and Fry that, in the contract made by them with Mr. Windham, not a stick of ornamental timber was to have been cut. The contract was for them to take the whole of the timber which might be cut upon the estate to the extent of £5,000 a-year if Mr. Windham insisted upon it. The point of the contract was for the contractors to take all the timber of all kinds—oak, beech, chestnut, and sycamore—which might be cut. It is a question of the average price of all the different kinds of timber on the estate, and not of oak timber alone, and therefore the contract was as reasonable and proper as the wisest man in the kingdom could make. Messrs. Lawrence and Fry have given a copy of the contract to General Windham, and have told him that if any one would repay them the £1,000 they have advanced on the contract, they are perfectly ready to give it up. Mr. Roberts is not the contractor, although entitled to a commission for having recommended the vendor to the contractors. Referring to the events which had occurred after the marriage, the learned counsel said that the greatest wisdom was displayed in getting rid of Mr. Buck. In September General Windham visited Mr. and Mrs. Windham, and attempted to make a bargain, which would be laid before them. Mrs. Windham left Fellbrigg and came up to the Euston Hotel. Mr. Wheeler's evidence in this case, as regards the state of mind of Mr. Windham, is most explicit, though he could not remember a single word he said. As regards the fracas, did that indicate any want of sanity on the part of Mr. Windham? As regards the handbill, it appears that if that indicated insanity, it must be on the part of Mr. Roberts, since acting as an injudicious friend he did it all without Mr. Windham's knowledge. The evidence of the policeman in the Haymarket is not of much value. Although Mr. Windham is not a drunkard he evidently took a good deal of champagne, and though according to a notion of a policeman he might not be drunk, he was still clearly in such a condition that it was most unfair that his conversations in the Haymarket should be brought forward to prove his state of mind. With respect to the evidence of the guard, who stated that he locked up Mr. Roberts and Mrs. Windham in the same carriage, it must be kept in view that at that time there is not the slightest suggestion that Mr. Windham was acquainted with the statement that Mr. Roberts was intimate with Mrs. Windham before marriage. As regards the medical evidence, the object in this case being merely to establish the mental capacity of Mr. Windham, it is not fair to have supplied suggestions to the medical men to drive a man into admissions of unsoundness. It is, in this case, not like a fair examination, but like the torture and rack of the Inquisition. None of the medical men ventured to say that, as the result of their investigation alone, they could have pronounced Mr. Windham to be of unsound mind. That, from opposing witnesses, is a tolerable admission. They all agreed that the conduct of Mr. Windham was respectful and gentlemanly; and if the conversation was discursive, it was necessarily so from the nature of the matter upon which they were speaking, and from both doctors interposing questions at the same time. I object to the mode in which Dr. Winslow and Dr. Mayo conducted the examination of Mr. Windham, that the questions were not put to ascertain the actual state of the mind, far less to elicit proofs of soundness, but to drive Mr. Windham into admissions of unsoundness. Next to the partisan of a plaintiff or a defendant, the most dangerous witness is the partisan of a theory. Dr. Mayo is the standard-bearer and champion of the theory of moral insanity—a theory always repudiated by the Bench and the law of England—and the jury cannot have failed to be struck by his curious and unfair reasoning. Instead of loading the case with casual and useless witnesses, speaking to things which have no bearing upon the great issue before the jury, I will adduce evidence calculated to give a general view of the life and habits of Mr. Windham, and his

capacity for managing affairs. In opening his case Mr. Chambers, referring to my client, frequently used the words "This unfortunate young man." I attribute to my learned friend perfect sincerity and kindness of feeling, and I accept the expression from him in all frankness. Would that the feelings of those who have instructed my learned friend were equally kindly! But after all, gentlemen, the expression is a true one. The man is unfortunate who is the subject of such a proceeding as the present. The man is unfortunate who is the subject of a proceeding conducted by his relatives as this has been conducted. The man is unfortunate who in three weeks has to justify himself for a lifetime of 21 years against those who have had months to prepare their case. But have you given a thought to the expenses of this inquiry? Suppose it were all at an end—suppose you come to the conclusion, as I trust you will, that Mr. Windham is of sound mind and capable of managing his affairs—what compensation will he receive, I do not say for the facts and events which have been exposed to the public gaze—for such things no compensation can be given—but for the mere pecuniary loss he has incurred? Gentlemen, I do not believe that the bill of Mr. Emmanuel—large as it is—would pay for the costs which Mr. Windham will be left to pay out of his own estate for a proceeding which he has succeeded in defeating. My client is, indeed, an unfortunate man. Other men have passed their youth in excess, in riot, in debauchery. They have purchased, by an expenditure of health and property, a conviction of their folly, and they have settled down into active, useful, if not brilliant members of society. Other men have had youthful vices and immoralities, over which the kind hands of friends and relatives have gently and tenderly drawn the veil of concealment and oblivion. Mr. Windham has been received on his entrance into public life by a panoramic view unfolded by his relatives to the public eye, in which have been portrayed, not the events of his life, but all such isolated acts as ingenuity or perversion could twist into the appearance of that which is hideous and obscene. And what is the object for which this has been done? That a young man, the heir to a considerable property and to an illustrious name, who from his boyhood upwards has gone out and come in, who has acted and been treated by all about him as capable and sane, with whom his relatives have dealt and bargained and negotiated upon a footing of perfect equality, who has been deliberately allowed by them to go out into the world and to enter into contracts, including among them the most momentous contract of life, should now be adjudged incapable of taking care of himself, in order that his persecutors should be authorized to administer his estate. In one of the books which Mr. Windham used to read at Eton there is a story told of a tyrant in ancient days who invented for his prisoners the terrible torture of chaining a living man to a lifeless body, leaving the living to die, and both to decompose together.

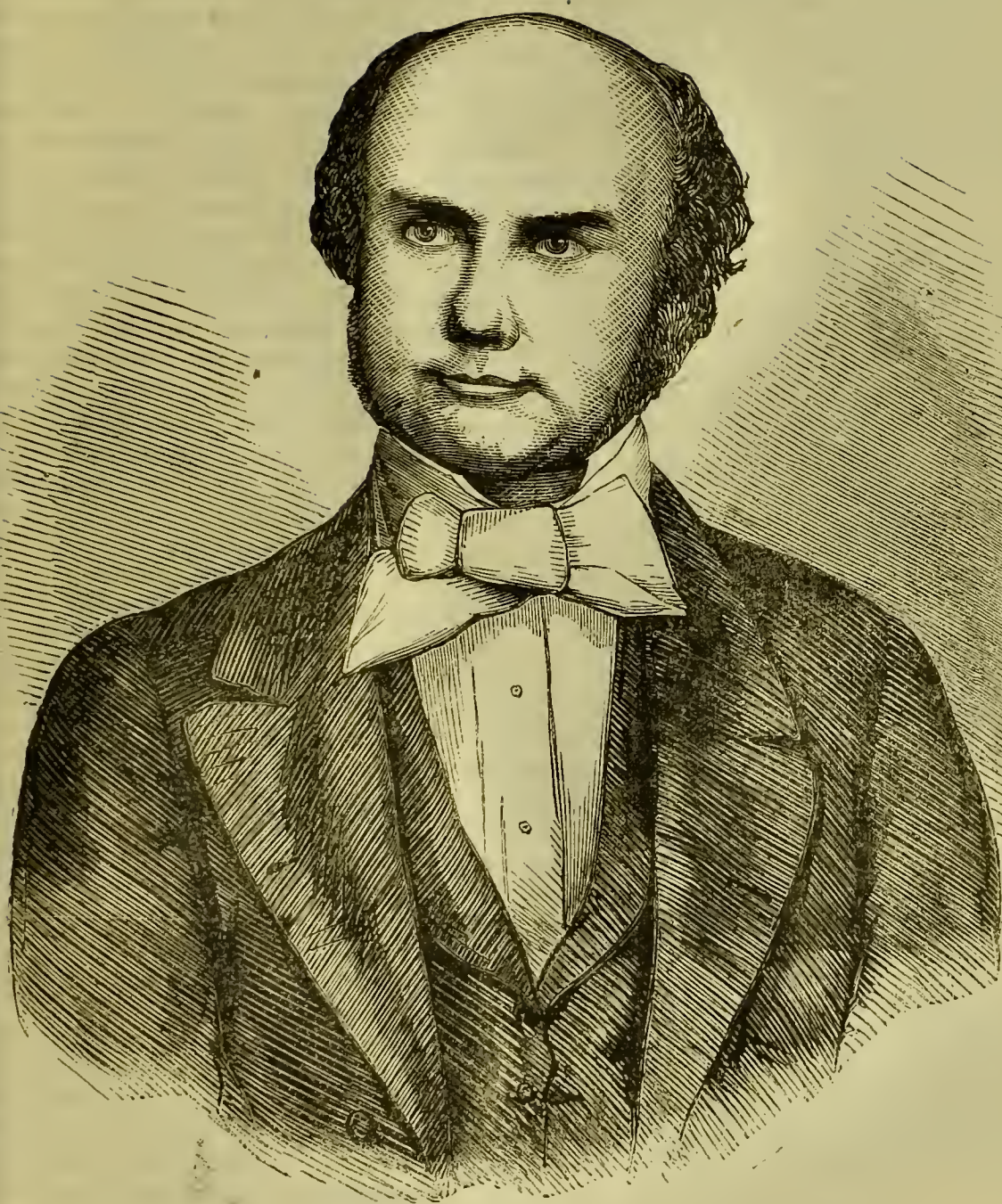
"Mortua quin etiam jungebat corpora vivis,
Componens manibusque manus atque oribus ora,
Tormenti genus; et sanie taboque fluentes
Complexu in misero, longâ sic morte necabat."

That, in truth, was a melancholy and terrible fate; but I own that seems to me a severer punishment, and a more cruel, because a more exquisite and a more enduring torture, which would consign a warm and living soul, with all its sensibilities and affections, with all its hopes and aspirations, with all its powers of enjoying life and everything that makes life valuable, to the icy and corpse-like embrace of legal incapacity and lunatic restraint. Such, gentlemen, is the torture which his relatives have prepared for Mr. Windham, and of that torture they ask you to be the ministrants and agents. But, gentlemen, I appeal from them to you. From them, from whom I can anticipate no mercy, I appeal to you, from whom I can confidently expect justice. I implore of you, gentlemen, to sweep away the cobwebs which theory and prejudice, which partizanship and ignorance, which interest and falsehood have woven around this case, and to show by your verdict, as often has been shown before, that, whatever gloss and whatever covering may be thrown around a proceeding such as I have endeavoured to expose, it is at once the highest and most grateful duty of an English jury to detect deceit and to defeat oppression.

At the conclusion of the learned gentleman's speech, a burst of cheering rose from the audience, which the officers of the court were unable to repress.

WITNESSES FOR THE DEFENCE.—DR. H. TUKE.

Dr. Harrington Tuke (examined by Mr. Karslake)—I have entirely devoted my attention to the treatment of diseases or disorders of the mind. I have examined Mr. Windham on several occasions in order to test the state of his mind. Those interviews lasted altogether about 14 hours. I had not previously received any instructions. On the 12th of November, Mr. Windham told me what things were alleged against him—his marriages, his purchases of jewellery, his engine-driving, and the barring of the entail of his estates. He said the petition against him would not succeed, and he told me the reason why. The principal mover, he said, was General Windham, his uncle; but he did not think he would dare to pursue the matter. “The old general,” he added, “knows I am quite well.” He said his father had saved General Windham from the consequences of some act which he had done years ago by pretending that he was insane. I remarked that it was a disagreeable family quarrel, and that a compromise should be effected. We went to the office of Mr. Coe, his solicitor, in Essex-street, and Mr. Windham there gave orders for his defence against the suit of the petitioners. During our conversations I had many opportunities of seeing his deportment with his solicitor and his counsel. He perfectly understood the nature of the proceedings against him, and took a considerable part in all the discussions, showing great powers of memory and attention, and a thorough knowledge of the nature of his estate, and how it would be affected. During those interviews I ascertained many facts connected with his history and property, and I read carefully all the affidavits filed against him. It was stated in the affidavits that he had no religion. I called his attention to that subject. He told me he was a Protestant, had been confirmed, regularly attended church, and believed in the doctrine of rewards and punishments. He seemed to me to be quite clear on the subject of religion. On one occasion he said, “This marriage of mine is all my uncle’s doing. He would not let me marry a young lady to whom I was much attached.” He described her as the daughter of a near neighbour of his in the country. He added, “Things would have been very different if I had married her.” The next topic was his education. He told me he had been at Eton in the fifth form, and had read *Homer* and *Virgil*. There was a *Cicero* on the table—a volume of the *Orations*. He said he had never read *Cicero* at school. I asked him whether he could do the first proposition in *Euclid*. He said he thought he could do it, and went through it very correctly. We spoke about the value of his estates, and he said Fellbrigg was worth £3,000 odd a-year, but he had to pay his mother’s jointure and his wife’s annuity, besides taxes and other expenses, and so had very little remaining for himself. He said his debts were about £25,000 or £30,000. I asked how he proposed to pay them. He replied, “Oh! I hope I shall live quietly at Fellbrigg. My debts are principally to Emmanuel, the jeweller, and he won’t press me. I shall have £350 a month for my timber, and my mother’s jointure must some day fall in.” On another occasion he said if he had no other way of paying his debts he would have to sell his reversion. About his engine-driving he said he was passionately fond of it, and if he were mad for that, so also were two noblemen whose names he mentioned. He said he could drive a railway train to a minute, and added, “You would hardly believe it possible that when in a railway carriage I can time by my watch the exact rate of our progress.” I asked about his being called “Captain.” He denied that he was called “Captain” as a general rule, or that he liked it; but he said he was a senior lieutenant, or acted as senior lieutenant, sometimes even as captain, in the Norfolk Militia. I alluded to an insinuation in the affidavits that he had threatened to shoot himself with pistols; he replied, “Oh, those pistols were given to me by my uncle. They are ornamental, and I was fond of having them with me. My uncle told me he had shot six men with one of them at Cawnpore.” He said the charge of having threatened to commit suicide was all nonsense, and he convinced me that it was so. He also told me that the presenting of pistols at Atkins, the bootmaker, was a piece of fun. I asked him if he had or had not communicated a certain disorder to his wife, and if he had done so knowingly. He said “I loved her too much for that. It has made a dreadful quarrel between us; she is so dreadfully angry about it.” He told me he had been ill a long time before marriage, but he did not know the disease he was suffering from was infectious. He said he had consulted Dr. Whitburn, the medical attendant Miss of Willoughby, and had been informed that he was in a fit state to marry. I spoke to him about slaverling at the mouth. He said he had nearly conquered



DR. FORBES WINSLOW.



the habit, but the malformation of his mouth prevented him from getting rid of it altogether. I questioned him about his alleged dirty habits. He replied that the affidavit made by Mrs. Lewellin was a "pack of lies." He said that on one occasion after eating pickled cabbage he had a severe attack of diarrhoea. Speaking of the dinner parties mentioned by the Lewellins, he said he had asked friends to dine with him, but the parties were put off, and it was all untrue about his ordering dinner and forgetting it. I drew his attention to his alleged misconduct in the Norwich Theatre. He replied, "Oh, I was rather too fast, I suppose." He denied all the allegations of the Lewellins as to indecency. He talked about the affidavit made by Horrocks. He said, "Oh, Horrocks will at once say I am a fool. I got him turned out of his place for his behaviour to me, and I argued the case myself before the Vice-Chancellor." He told me he had been at a Roman Catholic chapel once, and might have said that he would as soon be a Roman Catholic as a Protestant. He treated the matter lightly, as if he did not think much of it. On the 12th of November I had a second interview with him at the house of Dr. Sutherland. Dr. Sutherland examined him at considerable length, and afterwards Mr. Windham gave him an outline of the allegations against him. His account was an accurate one—extremely correct. The next time I saw Mr. Windham was on the 5th of December. He came to my apartments in Albemarle-street with Mr. Coe, his solicitor, who brought a placard addressed to "the people of Great Britain," and was very much annoyed at Mr. Windham for having, as he thought, written it. Mr. Windham gave us an account of Roberts having written it, and I think he said that Roberts had signed his name for him, and then asked him to sanction the signature. I told him he had become responsible for it, and said the placard was calculated to do great mischief. He replied, "Oh, as long as it was not libellous, I said to Roberts he might print it." I said to him "Don't you think it a great shame to publish the names of all these ladies who certainly do not seem to have taken proceedings against you?" He said he had not thought of that, but would stop the circulation as far as he could, and after some time he went off expressing his intention to do so. Next day I saw him again, and told him the placard had been circulated. He said "It is a great shame; that obstinate fellow Roberts would do it. I took them all off in a cab yesterday from Piccadilly, but he sent for them afterwards without my knowledge, and has distributed them all over London." The last time I spoke to him before this inquiry commenced was on the 11th of December, the day on which he was examined by Dr. Winslow and Dr. Mayo. He said he was very much tired and exhausted, and gave me a general account of his interview with Dr. Winslow and Dr. Mayo. Dr. Connolly, who was present, thought he was too tired to undergo another examination, and then Mr. Windham left us. I never, during the whole of the interview, saw the slightest indication of unsoundness of mind. I found no inconsequence, no incoherency, no want of attention. His views appeared to me to be clear and well-defined. At the first interview we waited some time for the arrival of his solicitor. Mr. Windham at last said, "We need not wait any longer; he is always drunk, and I intend having another solicitor." The gentleman in question was not Mr. Coe.

The inquiry was again adjourned.

SIXTEENTH DAY.—MONDAY, JAN. 6.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

EXAMINATION OF MR. WINDHAM.

At the opening of the Court this day, the Master said—It is the unanimous opinion of the jury and myself that an interview with Mr. Windham, at the close of the case, should take place without the presence of counsel.

Mr. Chambers said—I think this is hardly according to the usual practice. I ask the Master to come to no decision on the subject until the time arrives.

One of the Jurymen remarked, that in the case of Sir Henry Meux, in which

Mr. Chambers himself was engaged, none of the counsel were present at the examination of the alleged lunatic.

The Master.—The same thing happened in a case tried before me down in Devonshire, when both Mr. Coleridge and Mr. Karslake appeared as counsel.

Mr. Coleridge begged to remind the Master that the reason why neither he nor Mr. Karslake could be present at the interview with the alleged lunatic in Devonshire was that they were obliged to go to the sessions at Bristol, which happened to be held on the same day; and the learned gentleman added, with a smile, that which fixes the circumstance so strongly in my memory is that both myself and my learned friend, and, indeed the whole Western Circuit, got into a terrible mess with the newspapers, because we could not be in two places at one time.

It was eventually arranged that the question of the presence of counsel at the interview with Mr. Windham should stand over for further consideration.

DR. TUKE'S EXAMINATION—CONCLUDED.

Dr. Tuke cross-examined by Mr. Chambers.—I have seen Mr. Windham about ten times in all. I had 20 hours of absolute interviews and long conversations with him. I was alone with him only on the 12th of November. At the first interview—on the 6th of November—Mrs. Windham, Mr. Gwin, Dr. Neale, and Dr. Stevens were present. That interview took place in the drawing-room of the house in Piccadilly. It was Mr. Gwin who first applied to me to go there. No information, or next to none, was given to me beforehand. Roberts was not present; indeed, I have never seen him. The two medical gentlemen heard only part of the conversation, and for 20 minutes I talked with Mr. Windham alone in the embrasure of the window. I did not learn that Dr. Neale and Dr. Stevens had been brought by Mrs. Windham. Mr. Berry Hutchinson, the solicitor of Mr. Windham, was also expected. I have already given an accurate account of the conversation. Mr. Windham told me, in the presence of the medical men, that his uncle, the General, would not dare to get into the witness-box; but it was when we were alone that he referred to his father having saved the General many years ago from a serious charge under the plea that he was insane. The medical men seemed to pay little attention to the conversation; but it is possible that they may have heard all that passed while they were there. They left the house in about half-an-hour after my arrival. Mr. Windham also told me that another uncle whom he did not name, but who he said was always drunk, who had suffered from *delirium tremens*, and who was nearly blind, would not dare to appear in the witness-box. I think he said that the gentleman in question was his eldest uncle. I do not recollect his saying that General Windham had had *delirium tremens*; but he may have said so. I distinctly state that it was General Windham who he said had been protected by his father under the plea that he was insane. [Here Mr. Chambers handed up to the witness a few sheets of paper containing notes which Dr. Tuke had produced while under examination by Mr. Karslake the day before, and asked him to refresh his memory upon the point to which he had just spoken.] I see I have written in my notes that the words used by Mr. Windham were, "My eldest uncle has had *delirium tremens*, and my father saved him from prison by pretending he was mad. His character will not bear investigation, and he knows I am quite well." The explanation is that I have confounded the two uncles in my notes. When I made the notes I wrote what my impression was at that time, but my recollection is now quite clear that it was General Windham, and not his eldest uncle, whom he said had been saved from prison by his father, on the ground of insanity. The notes I now hold in my hand are not the original notes, but copies of the original notes and of some other notes which I made on margins of the affidavits. I destroyed the original notes. I am aware that it is always important to preserve original notes; but in the present instance their destruction is a matter of little importance, because the notes before me are correct copies of them, with the additions I have mentioned. I am quite positive that Mr. Windham told me that his eldest uncle had had *delirium tremens*. His eldest uncle is Captain Windham.

Mr. Chambers.—And he never had *delirium tremens*.

Mr. Karslake.—I object to my learned friend giving evidence in this case, especially since Captain Windham will not come into the witness-box.

Mr. Chambers.—He and all other petitioners will come into the witness-box if you call them.

Mr. Karslake.—A precious proposal, indeed!

Witness resumed.—I agree with Dr. Winslow that the sanity or insanity of Mr. Windham will depend upon facts and facts alone. Among the affidavits I read that of Dr. Buck. I regarded it as quite immaterial, but I spoke to Mr. Windham about one statement in it to the effect that he had nearly cut off his hand. Mr. Windham explained the occurrence. I did not question him as to another statement in the affidavit of Dr. Buck—viz., that when Dr. Buck was sent for to see Mr. Windham at Fellbrigg, in September, he was asked by Mrs. Windham whether he did not think her husband was being poisoned by his relatives. I wish you to understand that I entirely wiped out of my mind the notion that Mr. Windham was labouring under delusions. If he had told me that he had suggested to his wife the idea that his relatives were trying to poison him I think I should have attributed it to a delusion. It would also have indicated very weak intellectual capacity. There are absolute idiots, and there are persons afflicted with deficiency of intellect and imbecility of mind. Among the imbecile class, not qualified for the Asylum for Idiots, there are many persons of unsound mind. It is quite possible that some of these persons may have admirable memories—that is, on one or two points; but the general rule is quite the reverse. Some imbeciles may be educated, and be able to be taught Latin and Greek, but such cases are very rare, and where the imbecility is congenital little or nothing in the shape of education can be imparted. In cases of congenital imbecility the memory deteriorates as time goes on. I told Mr. Windham himself that I thought in four or five years he would be a lunatic or kill himself if he persisted in such habits as those which were attributed to him in the affidavits. The habits I referred to were drinking and dissipation. I gathered from Mr. Windham that he was addicted to drinking, though his own words were that he sometimes got “fresh;” and unless I am greatly mistaken there is a statement in four of the affidavits to the effect that he had been seen drunk. He told me that he was engaged to be married to a young lady in the country—the daughter of a near neighbour of his own—but his uncle, the General, prevented the marriage. I made no inquiries to ascertain whether his statement was true or not. I did not hear subsequently that the lady lived in one of the western counties. I never asked him to account for his marriage with Miss Willoughby, nor did I ever speak to him about the circumstance of a former paramour of his wife’s having slept in the same house with her the night before her marriage. I always took his truthfulness for granted, and never thought of testing it. I told him that he was represented in the affidavits as being in the habit of telling objectless, causeless, transparent lies. He denied the allegation, and in our interviews I never detected him in telling useless and purposeless falsehoods. It is very likely that I joined with Mr. Cole, his solicitor, in attempting to persuade him to break off his acquaintance with Roberts, because I was at that time under the impression that Roberts was a swindler. I have no recollection, however, of having done so. I had some conversation with Mr. Windham about some person having been intimate with his wife after the marriage. He told me that the circumstance was brought to his knowledge by two letters written by Mrs. Windham having come to him from the Dead Letter-office. He said he was very angry, and proposed never to speak to her again, because the letters were addressed to another gentleman as “My dear darling ——.” This conversation took place in my rooms in Albemarle-street, in the presence of his solicitor. I believe at that time Mrs. Windham was away hunting in the neighbourhood of Melton Mowbray. Mr. Windham did not tell me that his wife had followed “her dear darling ——” to Dublin, Glasgow, or the north of England. I was told that she had done so before marriage. If I were to be told as a fact that Mr. Windham knew that his wife had followed her “dear darling ——” to Glasgow after her marriage, and that, nevertheless, he still continued to cohabit with her, I should say his conduct indicated a weak intellect, if I were not aware that Mr. Windham was and is firmly convinced that the same state of health which prevented his wife from sleeping with him must also have prevented her from having criminal connection with any other gentleman. On one occasion he said, “I know what Agnes Willoughby was; but I never will believe that Agnes Windham could be false to me until it is proved.” He told me that immediately before the marriage Miss Willoughby said to him, “William, you are ill; I have seen Mr. Johnstone, and I know you are.” He replied, “I think I am not.” Miss Willoughby then asked him to allow Dr. Whitburn to examine him. He consented, and Dr. Whitburn,

shaking him by the hand, and almost with tears in his eyes, said, "My dear boy, you are all right; you need be under no alarm." Mr. Windham also told me that Dr. Whitburn attended the marriage and gave the bride away. I did not call his attention to the allegation in the affidavit made by Mr. Johnstone, the surgeon, that shortly before the marriage he was consulted by Miss Willoughby, and that he told her Mr. Windham was most certainly not then in a marriageable condition. I was not disposed to question him about the story of his having infected his wife, but I spoke to Mr. Johnstone on the subject, and he told me that when he saw Mr. Windham before the marriage the disease had assumed so virulent a shape that it did not occur to him to give Mr. Windham any caution about it. I believe that Mr. Windham is of perfectly sound mind and capable of managing his affairs. I have never said that he is unfit to manage his property.

Re-examined by Mr. Karslake.—When the conversation about the letters to "My dear darling—" took place, Mr. and Mrs. Windham were living apart. Mr. Windham was very angry, and he spoke to Mr. Cole, his solicitor, about the matter. Mrs. Windham said in my presence that she would never live with her husband again, and I do not suppose they have lived together since. Before that Mr. Windham had said that he had made his wife ill; that she was greatly enraged at it, and threatened not to live with him again. During the interviews I had with him there were many statements made by Mr. Windham which I could not have investigated without the power of calling witnesses before me; but they were all, as far as I could judge, perfectly consistent with truth. All the inmates of the Asylum for Idiots were born idiots. I know all the characteristics of idiocy. Mr. Windham is certainly not an idiot, nor could it ever enter my mind that he is an imbecile when I consider his powers of observation, the manner in which he instructed his solicitor about his defence, and his delicacy in conversation when talking upon matters which afforded opportunity for the introduction of indelicate remarks.

By the Jury.—The idea of his sanity is perfectly consistent with his getting into debt to the amount of £25,000 or £30,000, and giving £14,000 worth of jewellery to his wife. My explanation is that he was so desperately in love with his wife that he gave her the jewels in order to secure her affections. I do not believe that a sane man would knowingly communicate a particular disease to a woman with whom he was in love. Mr. Windham did not know that his malady was infectious.

By the Master—I think that the fact that the jewellery was intended for the use of his wife, and was to be at Fellbrigg-hall, may be regarded as a justification of the outlay; but if that outlay had been £60,000 instead of £14,000 it would have indicated weakness of mind. Had Mr. Windham settled the whole of his estate upon his wife I should have taken it as a proof of unsoundness of mind.

DR. SEYMOUR.

Dr. E. Seymour examined by Mr. Milward.—I have directed my attention to disorders affecting the mind, and have written on the subject. I was for eight years one of the metropolitan Commissioners in Lunacy. During that time, I periodically visited every lunatic asylum within the bills of mortality, and had many opportunities of testing the minds of alleged lunatics. On the 7th November, I was asked to see Mr. Windham. On the following day he was brought to me, but he was not alone, and I refused to examine him. Subsequently, I had a private interview with him, and conversed with him on the subject of the charges against him. After we had talked for some time, I said to him, "Well, sir, as far as I can judge from your manner and appearance, I think it is impossible for a jury to find you of unsound mind; but if you will call again and furnish me with the accusations made against you, I will examine you more completely." In consequence of that Mr. Cole, the solicitor, sent me copies of the affidavits. I made myself master of their contents, and I next saw Mr. Windham on the 14th. Upon that occasion I entered *seriatim* into the principal allegations in the affidavits. I said, "First, you are accused of falling into most violent and irrational passions." "Yes," he replied, "I am very passionate; my father was passionate; and I am very sorry for it." I then spoke to him upon the imputation of gluttony, especially mentioning that he had eaten as many as 18 eggs at breakfast. He replied, "The number is greatly exaggerated, and I never had anything else for breakfast." I then spoke to him about his alleged cruelty to animals. He denied the accusation. I next called his attention to the charge about his singing "Old Bob Ridley," and such trash as that. He acquiesced, and said he had a habit of humming and beating

such tunes on many occasions. I told him he was a silly fellow. I then spoke to him about his marriage, saying it was a very wrong thing and deeply to be deplored; but, inasmuch as the very same action had been committed by the wisest, noblest, and richest in the land, I should not take it as a proof of insanity. He seemed very much hurt at the way in which I characterized his marriage in the first instance. I then spoke about the jewels. "You are charged," I said, "with having spent an enormous sum, in comparison with your means, upon jewels." He replied that he was very much in love, and that he had given far more jewellery to his wife after marriage than before it. He added that he had given her a considerable quantity after marriage because he had done her a serious injury. I then spoke about the state of his health at the time of his marriage. I told him his conduct was very vicious; but, as vice had never been reckoned as insanity, but the contrary with some people, and as I had had the misfortune in a long professional life of knowing similar cases, in which men had married, being incapacitated as he was, I could not myself take it as a proof of insanity. He denied positively that he had had connection with his wife before marriage. He said that the gentleman with whom she had lived before marriage was willing that he should marry her, and promised as a man of honour never again to have intercourse with her. The interview lasted about an hour; his manner was gentlemanlike and proper, and he answered directly and readily. But for the affidavits I should not have thought there was anything the matter with him. He was not incoherent. I saw him again on the 4th of December, and the interview lasted about an hour. He told me that the object of the petition was to prevent him barring the entail of the Fellbrigg property and cutting down the timber. He said General Windham called on him after the marriage, spoke to him very kindly, and wished to sell him a small property, which he agreed to take. He then said—and this remark struck me very much—"If my uncle thought me mad why did he try to make a bargain with me?" I asked him about his education. He said he had been at Eton, and gained his remove into the lower fifth form by examination. He also told me that on that very morning he had done a proposition in *Euclid* to the satisfaction of Dr. Sutherland. He admitted having gone with guards on the railway, and sometimes worked the engine. He said he had purchased a complete suit like a guard, and bought a railway whistle. He remarked that many young men did the same. I told him I had heard so. I was with him a sufficient time to enable me to form an opinion upon his state of mind. I saw nothing sufficient to justify me in saying that he is of unsound mind. He is certainly not a lunatic; he is under no delusion. Mr. Windham, if I may use the term, is a very young man for his age, unable to judge properly, but I have seen no radical defect in his mind. He is capable of managing himself and his affairs, and I think this inquiry will have a considerable effect in improving him. It will have a steadying effect upon him.

Cross-examined by Mr. Chambers.—It will make him more like a man. I think he has mind enough to profit by the lesson. I believe that if his majority could have been kept back for two years he would not have acted as he has done. I know many young men of his age, in possession of their property, who have weaker minds.

The cross-examination of the witness was not concluded when the Court adjourned.

SIXTEENTH DAY.—MONDAY, JAN. 6.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Humo Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

ILLNESS OF A JURYMEN.

At the sitting of the Court an announcement was made to the effect that Colonel Anderson, one of the jurymen, was unable to attend from illness. Dr. Ballard, the medical attendant of Colonel Anderson, stated that the gallant gentleman was suffering from a severe attack of congestion of the lungs, and that it would be dangerous to his health, perhaps to his life, to continue his attendance in court. Colonel

Anderson, he added, had been suffering more or less for a fortnight, but he had been much worse since Saturday, and was now confined to his bed.

The Master said, I am extremely sorry to hear the statement of Dr. Ballard, and I suppose I must discharge Colonel Anderson from further attendance.

Mr. Chambers asked whether the trial could go on lawfully in the absence of one of the jurymen.

Mr. Karslake considered it so essential for the interests of Mr. Windham that all the jurymen should hear the case to the end, that he must protest against the continuance of the inquiry in the absence of any one of them.

Mr. Coleridge, for Mrs. Windham, joined in the protest of his learned friend.

The Master asked Mr. Chambers whether he proposed, in the face of the protests from the other side, to take upon himself the responsibility of going on with the inquiry.

Mr. Chambers was not prepared to say what should be done, but it struck him, although he knew of no precedent for it, that it would be perfectly legal to proceed with the case in the absence of Colonel Anderson.

The Master said, The Act of Parliament requires that there should be a verdict of at least twelve jurymen. As the jury originally consisted of twenty-three gentlemen, and the absence of Colonel Anderson will still leave twenty-two, I see no reason why the case should not be proceeded with. A lawful verdict may be returned if there are no more than thirteen jurymen present.

Mr. Karslake did not wish to argue the question, which was one of principle, but he might remark that in an ordinary civil or criminal case, it was indispensable that all the jurymen should be present from the beginning to the end.

The Master said, The learned gentleman is perfectly correct, but the reason is that the verdict must be unanimous. Such is not the case here, for, as I have stated, the Act only requires that the verdict shall be concurred in by twelve jurymen.

A juror remarked that the case of Sir Henry Meux was tried before only seventeen jurymen.

Mr. Karslake was aware of that fact, but those seventeen jurymen were the only gentlemen sworn to hear and try the case. A larger number had been impaneled in this case, but that made no difference with respect to the matter of principle. His argument was that the case could not go on in the absence of any one of the jurymen, whatever the number might be—whether seventeen, as in the case of Sir Henry Meux, or twenty-three, as in the present instance.

The Master said he had from the first contemplated such a contingency as the present, and for that very reason he had secured a larger number of jurors than usual.

The Jury intimated, through their foreman, that they were very anxious to proceed with the case at once.

Mr. Chambers said the only analogy which occurred to him was that of a grand jury, which, according to the ancient law of England, ought to be composed of twenty-three gentlemen, but which frequently consisted of not more than fifteen or twenty. The finding of a true bill by twelve gentlemen was never disputed.

Mr. Coleridge said it was not impossible than when the jury, reduced by the absence of Colonel Anderson to twenty-two gentlemen, retired to consider their verdict, they might be equally divided. Supposing, then, that Colonel Anderson when discharged from further attendance had a strong impression in favour of Mr. Windham, was the latter, by no fault of his own, and without his consent, to be deprived of the vote of a gentleman who had been impaneled to try the case, and had heard all the evidence? Moreover, if the remaining jurymen were equally divided, there could be no verdict, and the whole inquiry would end in enormous and useless expense.

Mr. Chambers admitted that the difficulty stated by his learned friend on the other side was a very grave one, and he knew of no precedent for the present case.

The Master said—If the jury consisted of twelve gentlemen, and one had retired, I could not have proceeded even with the consent of parties. But, as the jury is still composed of twenty-two gentlemen, and it can return a verdict according to the Act, I think we may go on. The inquiry has already lasted fifteen days; fearful expense has been incurred, and I am not prepared at so late a stage to take the responsibility of discharging the jury. It is simply a choice of evils. If I were to be pronounced by the Lords Justices in error in discharging the jury under existing circumstances, the consequences would be disastrous, for there would be a fresh

inquiry, and the whole of the expenses would be incurred again. On the other hand, supposing I were to say the case might proceed, it is not likely that the expense of finishing the inquiry will be at all equal in amount to that which has already been incurred, and which will simply be so much money wasted if the jury are now to be discharged without returning a verdict. When the verdict is reported to the Lords Justices the question of its validity may be argued by the parties interested, and it will remain for the Lords Justices to determine whether I am right or wrong in the course I now propose to pursue. I will take a note of the protest made on behalf of Mr. and Mrs. Windham, but, under all the circumstances, I think I shall exercise a sound discretion in ruling that Colonel Anderson shall be discharged, and that the case shall be continued to its natural termination before the remaining jurymen. —Ruled accordingly.

COMMENTS BY THE PUBLIC PRESS.

Mr. Chambers, addressing the Master, said—Before we begin to-day I wish to make an observation. I know that I shall be laying myself open to censure. I care not. I deem it my duty, in consequence of statements that have been made to me, to suggest to the consideration of the Court, whether it should not caution the public press against making any comments on the case whilst it is proceeding; also against making comments on the evidence that has been given on the one side or the other. I need hardly state, because it is so pertinently obvious to all sensible men, that nothing can be more dangerous to the impartial administration of justice and any proceeding of law whatsoever. In the first place it may seriously injure those whom it is intended to serve—

The Master—Are you founding your address to the Court on anything that has actually happened?

Mr. Chambers—Yes. Upon occurrences that have taken place more than once. I am so instructed.

The Master—Do you mean comments on the evidence?

Mr. Chambers—Commentaries on the evidence of the witnesses, and on the nature of the case as it is proceeding from day to day. I was about to say this—and I submit it to the attention of all those who have written the articles with reference to the proceedings in this case—I say it may have the effect of injuring the parties whom it is intended to serve, because there are those who are unwise and indiscreet enough to suppose—it would be wrong for me to imagine that any such thing can occur—that the press is open to influences of a very despicable character, and the consequence might be, if that be the supposition, that the parties intended to be served might, in point of fact, be seriously injured or utterly ruined. On the other hand, while a proceeding of this important description is going on, if one party in the press, or one set of newspapers, proceeds to take one particular view, in justice it may be said that another party or another set of writers might take a different view, and the result inevitably would be that, instead of the case being tried as it ought to be, impartially and justly, by the evidence that is presented to the jury, the determination, ultimately, when the case comes to a conclusion, according to the best of their ability, that a state of excitement would be got up in the public mind which would baffle and entirely destroy the character and the great objects of English justice. Therefore, sir, with a most perfect desire that everything should be done fairly and justly, I submit to your consideration whether it would be fit that a caution should be made to those writers who may have inadvertently taken this course, with a view that we may have a free and pure exercise of that impartial justice which belongs to this country; the free liberty of the press being always a trust highly prized by those who have enjoyed its blessings and received its advantages. But, at the same time, it being the duty of every man that desires to support that great liberty which we all boast of—it being the duty of every man, especially when he is engaged as an advocate, to state publicly that which is brought to his knowledge with reference to the course taken, with a perfect conviction that, if a caution be given, such commentaries will in future be abstained from.

Mr. Karlake—I will only say one word. I hope not a word that has fallen from my learned friend will be taken in any way as reflecting on the character of those who are conducting this defence. There were expressions which fell from my learned friend, probably inadvertently, and they were accompanied by remarks which seemed to imply that it was in consequence of some secret agency which was at work. All I have to say is this: I do trust that the public and the jury, and everybody who

is concerned in this case, will suspend their decision upon it until they have heard the whole evidence in the case.

Mr. Coleridge—I stand also on the same side of the court as my learned friend Mr. Karslake, and as some misconstruction might be placed on my silence, if I were to observe silence, I beg to say that if directly or indirectly Mr. Chambers meant to cast the smallest imputation on me or any person who instructs me, I repudiate it with the utmost indignation.

Mr. Chambers—I had not the least conception of any such thing.

Mr. Coleridge—And I join with Mr. Karslake in saying that as Mr. Chambers has made an address to the jury through the Court, I earnestly hope all parties, including those who have to pass judgment on the case, will wait till they have heard the whole of the evidence before either they make up their minds or express their opinions.

Mr. Chambers.—I will say one word. I never had the remotest intention of imputing to the highly respectable solicitors who have the conduct of this case that they would lend themselves in any way to any kind of dealing with the press for the purpose of advancing, or perhaps destroying, the interest of their clients; for I believe they would not. But I venture to suggest that unfortunately there were those who might take a different view, and imagining even the most respectable newspaper might have been biassed in writing the articles, then the very party intended to be served might be seriously injured. Of course, as far as Mr. Karslake and Mr. Coleridge are concerned, I do not intend to insinuate anything of the sort, but it was an observation arising out of what I have received information upon. I myself have read but one article on the subject; the others I have not seen, for I have been so engaged that it has been impossible for me to read the divers newspapers; it has been brought to my attention. Pity 'tis it was so, and I hope it will not happen again.

The Master.—Are you alluding to something in the papers to-day?

Mr. Chambers.—I believe the morning papers.

The Master.—I have seen the *Times* this morning.

Mr. Chambers.—The *Times* has abstained most cautiously from any observations.

The Master.—The *Times* has reported the case fully and fairly.

Mr. Chambers.—It has abstained cautiously from any comments on the case.

The Master.—All I can say is, I am very much concerned for the necessity that has arisen for this serious intimation to me, and which I have not the least doubt, from the character of counsel, is founded on knowledge justifying this application to me. By the 48th section of the Lunacy Regulation Act it is enacted, "that any person executing an inquiry with a jury, while so employed shall have all the right, power, authority, and discretion as a judge of a court of record." I think it is in my power, under that section, to prohibit the publication of the evidence from day to day, if I think it inconsistent with the course of justice to do otherwise.

Mr. Chambers.—It was done in the case of "King v. Clement."

The Master.—I was alluding to that very case. The law arises out of that very matter, but after this public intimation by counsel I hope it will not be necessary for me to interfere in any way. It was unnecessary for Mr. Coleridge and Mr. Karslake to make the repudiation which they have done on the part of their respective clients. The solicitors engaged in this matter are eminent firms, whom I know perfectly well, both of them, by reputation. Those disclaimers have been made which were utterly unnecessary in my opinion, and, I believe, in that of the jury.

Several jurors: Yes, quite so.

The Master: I do take this opportunity of solemnly entreating the members of the public press for the future, as they love the pure administration of justice, to abstain from that which has now been imputed.

The subject then dropped.

Mr. Karslake stated that, since the adjournment on Saturday, inquiries had been for the purpose of ascertaining whether there was any court in Westminster-hall which could be secured for the sittings after Thursday next. He understood that there was none fit for the purpose, and expressed his hope and belief that there was no foundation for the impression which had gone abroad, that they were going to sit in one of the committee-rooms upstairs.

The Master.—Heaven forbid!

Mr. Chambers.—That is the only comment which the *Times* has made.

The Master.—It is not a comment, but a statement.

It was then arranged that an application should be made for the use of the Westminster Sessions-house.

The examination of witnesses was then resumed.

DR. SEYMOUR—CONTINUED.

Dr. Seymour, cross-examined by Mr. Chambers.—At my second interview with Mr. Windham I taxed him with the charge of cruelty, in having caused a horse to be shot in a passion. He told me that the leg of the horse had been broken, and that the animal was shot upon the advice of the people in the stables. He did not tell me that he was charged with cruelty to the horse when it was suffering from the broken leg. I made no inquiries into the truth of the charge. He told me that he was not intemperate in either drinking or smoking. I believe that is correct. When he told me that he was in the habit of driving a railway engine, and that he had purchased a complete suit like a guard, he added that many young men did the same. I told him that I had heard so. I have never heard that other young men clothed themselves like railway guards, but I have been told in society of three young noblemen who are in the habit of driving the engine.

The Master—That is not very satisfactory information for the public.

Witness resumed.—I have never heard of young nobleman being driven home in a brougham covered with soot and dirt, like a stoker. Mr. Windham never spoke to me of his having been in love with or engaged to a young lady living in the country. I did not question him about the statement in the affidavit of the Lewellins, that he had stated to them that Miss Willoughby had been left £600 a-year by her father. I did not ask him to give an account of the sudden vanishing of that £60,000, nor did I speak to him at any great length about his presents of jewellery to the lady. The fact is that so many young men have been led into extravagance by love that his purchases of jewellery did not strike me as important in an inquiry into the state of his mind. You remember the lines—

“What lost the world and make a warrior fly?”

The timid tear in Cleopatra's eye.”

I think this inquiry will improve Mr. Windham. So very solemn a process will have a steadying effect upon him. He has reason enough to profit by the lesson. When I saw him he seemed to be impressed with the importance of conducting himself with propriety during these proceedings. I advised him to abstain from boisterous or silly acts in future. Upon all occasions he expressed himself in an extremely affectionate manner towards his wife. He never told me that she had been unfaithful to him since the marriage. I have never seen them together. He did not tell me that in consequence of her infidelity he contemplated proceedings in the Divorce Court, nor did he tell me that proceedings had actually been commenced. If I were told that when he spoke so affectionately about his wife he was under the impression that she had committed adultery, and that he contemplated a suit in the Divorce Court in consequence, I should have regarded his conduct as inconsistent, but should not have taken it as a proof of insanity. It would have been one of those inconsistencies which are too common to mankind.

Re-examined by Mr. Karlake.—I read the charge of cruelty to a horse in the affidavits. He said the men in his stables would come forward and give evidence on the subject. He told me that he neither drank nor smoked. I asked him especially about drinking, because, in my judgment and experience, it is the most fertile source of insanity. From what I have heard in society I believe that certain young noblemen are in the habit of driving railway engines. I can give you on paper the names of the young noblemen in question. One of them is now a duke. Another is connected with the Court.

Mr. Chambers.—I can state that, although such is the public report, it is not correct.

Mr. Karlake.—I hope my learned friend will not persist in giving evidence.

Witness resumed.—Boys of all ages are untruthful, and I do not accept falsehoods as proofs of insanity. I think that Mr. Windham would have been very much improved by care and kindness. When vulgar and bad habits are once contracted, they are not easily removed; but my impression is that as Mr. Windham mixes in good society he will improve.

By the Jury.—I am not aware that one of the noblemen to whom I have referred was a director of the railway, and drove the engine in his official capacity. I under-

stood he did so for his own amusement. Mr. Windham left school much too early. He is young for his age, as I said before, but he has mind enough to take care of himself and his property. His mind is sound, though he is rather slower than some other young men of his years. I know several persons who were much worse than Mr. Windham, and who have improved sufficiently to manage themselves and their property. I expect that Mr. Windham will make even greater progress than has been made in those cases.

By the Master.—I do not believe in moral insanity. No amount of what is called eccentricity would, in my opinion amount to insanity. If a young nobleman were to choose to act as a sweep, and carry a soot-bag in the streets, I should not therefore consider him of unsound mind.

MR HANCOCK, CHARING CROSS HOSPITAL.

Mr. Hancock, chief surgeon of the Charing-cross Hospital.—I have carefully examined Mr. Windham's mouth. It is a peculiarly shaped mouth. The upper jaw is exceedingly narrow, and drawn so much to a point in front that there is room for only two teeth. It measures rather less than an inch from one front molar tooth to the other, whereas the average width of well-developed jaws is from $1\frac{1}{2}$ in. to $1\frac{1}{4}$ in. The roof of the mouth, or hard palate, instead of being a plano-concave is extremely lofty and shaped like a pointed arch, so that it diminishes to a very great degree the cavity of the nose. The depth from the soft palate to the back of the throat is unusually great. The lower jaw is also narrow, but not so much contracted as the upper one. His tongue is fully developed—large in proportion to the size of the jaws. This condition of the mouth would affect very materially the sound of his voice, and lead to or favour very much the slaving that has been described, and also the noisy and apparently disagreeable mode of eating. It would also have a considerable effect upon the appearance of his face, and would likewise very much affect the tone of his laugh. I should doubt whether Mr. Windham could halloo or laugh as other people do. The relative volume of the different air passages is so very much interfered with by this formation of the mouth that the sound of the voice and the laugh must be materially altered. In deglutition the tongue is always pressed against the roof of the mouth, and in the natural formation of the mouth the act of swallowing is done almost unconsciously; but in consequence of the extreme height of the roof of Mr. Windham's mouth, that formation would require some unusual attention from the party himself; so that, while from the size of the tongue and the contraction of the jaws, the pressure upon the salivary glands would produce, when Mr. Windham, was excited an unusual secretion of saliva, the height of the roof of the mouth would prevent that saliva being conducted down the throat in the usual way. The same remark applies to the swallowing of food. The peculiar structure of the hard palate must interfere with the passage of air through the nose by inspiration, and it is obvious that in Mr. Windham's case, in order to obtain the passage of the proper amount of air into the lungs, he has fallen into the habit of keeping his mouth open, and this habit, added to the peculiar action of the muscles of the upper lip, gives that apparently vacant look which appears about the lower part of Mr. Windham's face.

By the Master.—I have seen similar mouths before, presenting similar results.

Witness resumed.—The formation of the back of his mouth would lead to snoring. He told me that some years ago his mother took him to Mr. Lintott, a dentist, who extracted some of his teeth, and then introduced a plate with pegs or wedges into his mouth for the purpose of stretching the upper jaw. He also told me it was a formation prevalent in his family on the maternal side. He referred to three persons in particular who had a peculiarity of the same description. He told me his mother had attributed the slaving to his having been tongue-tied as a child, and the operation having been improperly performed. I asked him whether he recollected it, and he laughed and said, "I recollect a good way back, but I don't recollect that, for I was an infant at the time." My examination was made, I think, on the 17th of December. He told me he had nearly cured himself of the slaving. I saw him first on the 1st of November. On that occasion I was with him nearly three-quarters of an hour. Dr. Neale was present. I had no previous knowledge of the case. When I went to Piccadilly Mr. Windham accompanied Dr. Neale and myself into a room. I placed him in a chair opposite the window that I might watch his countenance while he was talking to me. He told me that he wished to see me because his uncle, General Windham,

was endeavouring to prove him insane; that long before he came of age the general had spread reports that he was an idiot and squandered his money; that it was very foolish of the general to treat him so, because he had over and over again told him that it would be the worse for him and for his sons. "But it was no use," he added, "and therefore, as my father left me power by his will to cut off the entail, I have done so." He also told me that upon a more recent occasion the general had sent him word that if he married he would be —— if he wouldn't have him locked up. I asked him whether he had any evidence to that effect, and he replied that his uncle sent the message through his bailiff. He then continued, "He accused me of keeping improper company, alluding to Mr. Roberts. Mr. Roberts has been a good friend to me, for you must know that I have only come into a portion of my property—£3,000 a year. Of this I have to pay my mother £1,500 a year, and I leave you to judge whether I can support a wife and keep up a large place in the country, besides having apartments in London, upon the remainder. I, therefore, was in want of money. My father had always cautioned me against getting into the hands of the Jews, and I was determined not to do so. Now, Mr. Roberts was with me at my estate in the country, when one day outriding he said, 'Why should you borrow money, paying interest upon interest, when you have the money here upon your estate? You have so many trees; they are being spoilt, and I can introduce you to a timber merchant who would not attempt to cheat you by taking the timber in a lump, but would pay you so much a foot for it.' Of course I consented, and he accordingly introduced me to Messrs. Lawrence and Fry, who are very respectable timber merchants, and who paid me £1,000 down, agreeing to give me some £350 a month up to £5,000 a year for four years, or £20,000 in all." He said, "The trees have not been cut for so many years that, so far from the estate being injured, it would be much benefitted by having the timber cut down;" and he added, "You may depend upon it I shall take care that they don't cut down anything that will injure the estate." He told me that after his marriage, on coming to town, he could not afford to take a house, and therefore his wife advised him to take apartments in Mr. Roberts's house, he being her trustee. He declined telling me what rent he paid, but he assured me it was not exorbitant. I asked him whether they could bring any accusation of intemperance or extreme extravagance against him. He said, "No;" he lived well, but was not intemperate, and he was very fond of driving horses, but there was nothing in that. I asked him how many horses he kept. He replied that before his marriage he kept only two, but that since then, as his wife was fond of riding on horseback, he had bought a riding horse for her, another for himself, and two carriage horses. I said, "You have six in all;" to which he replied, "No, only the two riding horses and the two carriage horses." I then asked him how much food he gave his horses. He said, "I keep them down at my estate in the country, and I am very particular that the grooms don't cheat me. I allow the horses as much as they can eat, and each has four feeds of corn a day. You can easily tell how much it has in the course of the week." I said, "But how much do you make it yourself?" And he answered, "We calculate differently in Norfolk from what you do in London. You calculate by the bushel or quarter, we calculate by the boll; but it is somewhere about a sack of corn per week for two horses." I said, "You have not mentioned the straw." "Oh," he replied, "that doesn't cost me anything, my tenants are obliged to supply me with that." I then said, "As insanity has been alleged against you, have you ever been examined by any medical man on the part of General Windham?" He replied, "I don't know whether it was a medical man or no, but somebody called me upon a short time ago pretending that he came about a debt which he said was owing to him by my mother. I therefore began to suspect, and very quietly bowed him out of the room, saying he must know as well as I did that I had nothing to do with my mother's debts." I then said I was sorry to hear that his wife had left him. He said very calmly, "Yes, she has; but I know where she is. I have employed a detective to trace her, and I am going to Scotland this evening to bring her back." I cautioned him against using any violence, lest it should be brought forward against him; and he said "You need not be afraid. I can be firm without being violent. She knows that I have right on my side. I shall tell her that I am acting under my lawyer's advice, and that the law gives me great power as a husband, and I shall, therefore, tell her to come home without making any piece of work." He then added, "Here again

— they are spreading all manner of reports about my wife; among others, that when I married her she owed Emmanuel, the jeweller, several hundred pounds; but, in fact, she owed him somewhere about £60, which she paid out of her own money." I think that was the whole of the conversation I had with him. I told Mr. Bury Hutchinson, the solicitor of Mr. Windham, that I was only a consulting surgeon, and did not pay special attention to mental diseases. I therefore advised that he should send for Dr. Sutherland, Dr. Tuke, Mr. Connolly, and Mr. Lawrence, who were considered first-rate authorities on such subjects. Dr. Winslow's name was mentioned; but Dr. Neale had previously informed me that when he called on Dr. Winslow in the morning for the purpose of obtaining his services he found General Windham sitting in the waiting room, and, consequently, nothing further was said about Dr. Winslow. I frequently in the course of my practice meet with cases of insanity. During my interview with Mr. Windham I neither saw nor heard anything which would justify me in arriving at any other conclusion than that he is of sound mind. His demeanour was characterized by perfect self-possession, perfect calmness, and total absence of levity, especially when he referred to his father. I observed no signs of slaving. I should say that Mr. Windham, as far as his physical appearance goes, is a well developed young man. He seems to me to have plenty of animal spirits, and is the kind of man who would be fond of athletic exercises.

Cross-examined by Mr. Chambers.—The formation of Mr. Windham's mouth would not lessen the space filled by the brain. There are the two orbits, and the whole cavity of the nose between the cranium and the roof of the mouth. The peculiar formation of Mr. Windham's mouth is not confined to idiots, nor are idiots restricted to that formation. It may be observed in idiots, but it occurs in other cases as well. Mr. Windham did not tell me how long he had worn the plate introduced into his mouth by Mr. Lintock, the dentist, for the purpose of shielding the upper jaw. I made an affidavit in this case, but I have gone more into detail in my evidence to-day. I did not ask Mr. Windham how it happened that his wife had gone to Scotland.

Re-examined.—In my opinion the formation of Mr. Windham's mouth has no relation at all to the question of his sanity or insanity.

DR. GWIN, HAMMERSMITH.

Dr. Gwin, examined by Mr. Karslake.—I am a medical man, practising in Hammersmith. I am a native of Norfolk, and it was my uncle who proposed General Windham at the last election. Early in September I saw Mr. Windham in Norwich, and upon his invitation I went to Fellbrigg-hall on the 23rd. Mrs. Windham and Mr. Roberts were there. Mr. Windham consulted me professionally about his throat. I attended him for some time, going down from town for the purpose. He made a pecuniary arrangement with me himself. I went out shooting with him. He proved a capital shot and a good driver. His demeanour was that of an ordinary person. I never saw him do anything that could not be done with propriety by a person of sound mind.

By Mr. Coleridge.—I had never seen nor heard of Mrs. Windham before I went to Fellbrigg-hall, near the end of September. On the 23rd of September I know she was perfectly well; since the 8th of October she has suffered very severely.

Cross-examined by Mr. Chambers.—Mr. Windham never told me of certain letters which had been returned to him from the Dead Letter-office. I accompanied him down to Scotland on Sunday, the 3rd of November. He told me that he wanted me to go with him to Glasgow, and mentioned something about a paramour or lover of Mrs. Windham. He said he suspected that she had been unfaithful to him with that person and had run away with him to Glasgow, where he was then living as a member of an operative company. I told him that owing to the illness she was suffering from, it was not likely she could be unfaithful to him at that time. He did not tell me, as far as I recollect, that he had received information that they were sleeping in the same bedroom in the hotel. He did not tell me that Mrs. Windham had been in Dublin with the same individual after her marriage. He informed me that he had received a letter from his wife saying she was staying in Dublin. Mrs. Windham left Fellbrigg owing to her husband's illness on the 29th of September, and she returned from Dublin on the 8th of October. I was not aware that the opera singer was in Dublin at the same time. I slept all the way to Glasgow, and have no idea how Mr. Windham got on. During the journey I did not hear

him shout out the name of the person whom he suspected of cohabiting in Glasgow with his wife. We did not succeed in finding Mrs. Windham. After staying only forty minutes in Glasgow we returned to London, and Mrs. Windham was found in the Euston Hotel. In Glasgow we were told by the landlord of the hotel in which Mrs. Windham had lived that while there she conducted herself with perfect propriety. Mr. —, I think, was still in Glasgow, for I saw his name in a playbill in the hall of the hotel, but we took no steps to find him out. Mr. Windham sat in the carriage all the way to London.

The cross-examination of the witness was not concluded when the Court adjourned.

SEVENTEENTH DAY.—TUESDAY, JAN. 7.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed on this day, in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

DR. GWIN—CONTINUED.

Dr. Gwin, cross-examined by Mr. Chambers.—After Mr. Windham and I returned from Glasgow we found Mrs. Windham at the Euston Hotel, and remained there with her till late at night. Mr. Windham has complained to me that his wife had deceived him in her statement that she had known only one man before her marriage, Mr. —. He never mentioned to me that he had discovered that she had been connected with a young gentleman in a dragoon regiment. I have not the least recollection of his saying that she had ruined a young man. He told me that Mrs. Windham disliked Roberts; but he did not say that the reason was that she had slept with Roberts in Wilton-place, or anywhere else. He has mentioned to me lately that Roberts told him he had slept with his wife before her marriage. He did not say that Roberts stated he had slept with her after as well as before marriage. I do not remember whether he said he believed Roberts or not. He told me that Mr. —, No. 1, with whom she acknowledged having lived with before marriage, slept in the same house with her on the eve of the marriage. He never said that she had cohabited or gone to Paris with Mr. —, No. 2. I have no recollection of his telling me that she had left his house, gone to Dublin, and committed adultery with a foreigner. He did not tell me that she had grossly deceived him about the marriage. I have attended him up to the present time, and am now attending him. I ceased to attend Mrs. Windham on the 20th of November, but she had a consultation with me about the state of her health last Friday. I have seen Mr. Windham from time to time when he came down to this court. I saw him speaking to his wife last Friday. Mr. Windham and I got into her brougham, and we put him down at Morley's Hotel. She set me down in Regent-street, and she went her way and I went mine. I do not know where she is living. Mr. Windham has told me that he has seen her occasionally during the inquiry, but he did not say that he has lunched with her.

By the Master.—When they were in the brougham together they were respectful to each other, and conducted themselves calmly and quietly, as any other man and wife would do.

Re-examined.—I told Mr. Cole, the solicitor, confidentially what took place in Scotland when Mr. Windham and I went down there, but I told nobody else. I have been questioned about many conversations which I had with Mr. Windham about his wife. I repeated those conversations to Mr. Cole confidentially, but to nobody else. Mr. Cole ceased to act as solicitor for Mr. Windham on the 6th of December, shortly before the commencement of the present proceedings. I saw Mrs. Windham professionally on Friday last for an hour. She was still suffering from the same disease which she was labouring under on the 8th of October. On the 23rd of September I examined Mr. Windham at Fellbrigg-hall, and found him suffering from the disease. I made a communication to Mrs. Windham on the subject, and asked her whether she had received any warning. In consequence of what passed between us I examined her, but could detect no active disease. She left Fellbrigg on the 26th of September, and returned on the 8th of October. I examined her on

that day, and discovered that she must have been suffering from the disease for several days. She continued at Fellbrigg, till the 12th of October. I went down on the 13th and found her gone. During our journey to and from Scotland there was nothing in the demeanour of Mr. Windham which at all attracted my attention. I did not notice anybody in the train who seemed to be watching our motions.

By the Jury.—Mrs. Windham left Fellbrigg on the 26th of September with her husband's consent and upon my advice. Mr. Windham received a letter from her, saying she was staying in Dublin. He did not seem to be surprised at the receipt or contents of the letter, and I suppose he knew she had gone to Dublin, though I cannot speak with certainty. I have had no conversations with Mr. Windham about the jewels, nor do I know what has become of them. I never found anything incoherent or unconnected in his talk. During the journey to Glasgow I found him a pleasant companion. He described the country and the different breeds of sheep as we went along. I believe he has broken off acquaintance with Roberts.

MISS RAUSCHEN, NURSERY GOVERNESS.

Miss Rauschen said—I was formerly in the late Lady Bristol's family as nursery-governess. Afterwards I went to Fellbrigg-hall to take charge of young Mr. Windham, who was not quite four years of age at that time. I left when he was about his sixth year. I found him a very high-spirited child, requiring a great deal of chastisement at his lessons, which, however, he did pretty well—much better than the child I had charge of previously. I considered him sharp and intelligent in his lessons. His father and mother treated him very indulgently. I have seen him imitating the butler and waiting at table in their presence. His father seemed pleased at it, and had a suit of clothes made for his son for the express purpose of enabling him to wait at table. After I left Fellbrigg I met young Mr. Windham occasionally in London with his father. The last time I saw him was in 1850; he was then in his tenth year. I never saw in him any signs of any want of intellect; he was just like other boys, and appeared to be of sound mind, competent to learn his lessons and conduct himself properly.

Cross-examined by Mr. Chambers.—He used to be punished by getting an extra lesson. I never saw a whip used to him. He waited at table frequently, but I never heard of him going to the kitchen and washing up dishes. He had a pony, and was very fond of it. He rode generally very slowly. He spoke plainly, but thickly. When I saw him in London with his father I believed he was still fond of waiting at table. On these occasions the Windhams were on a visit to the Bristol family in St. James's-square. I never heard of Lady Alfred Hervey having been frightened by him.

Cross-examined.—When I saw him in London his voice was much improved. He behaved himself, as far I know, very well in St. James's-square.

By the Master.—The peculiar formation of his mouth was observable in childhood. I never saw the saliva running from the corners.

MRS. MARTIN, BAILIFF'S WIFE AT FELLBRIGG.

Mrs. Martin, wife of the bailiff at Fellbrigg, said, My husband now holds the home farm. From 1832 recently, I was cook and housekeeper at Fellbrigg. Lady Sophia and Mr. Windham always treated me as a confidential servant. I recollect young Mr. Windham being born. He was an only child. Old Mr. Windham was quick, hasty, and passionate at times. He was always proper in conversation, but I was not much in his way. As young Mr. Windham grew up I saw a great deal of him. He was, and is very fond of me. He was about eight years of age when he went to school first. He came home for his holidays from time to time. In 1854 he went to Eton. While at home he spent a good deal of his time with me in my room of an evening. When a child he used to amuse himself in the kitchen. He was not checked at all in that habit. Old Mr. Windham farmed himself, and was a great deal out of doors. When the boy came home he very frequently accompanied his father about the estate, and he learned to ride at a very early age. When he was about seven years of age he began to play whist. The party usually consisted, when there was no company in the house, of Lady Sophia, Mr. Windham, the boy, and myself. That went on till the death of old Mr. Windham. When the boy went down to the kitchen there were many old servants in the house, and he used to be with them a good deal. His amusement of a morning in the kitchen consisted of playing at railways, opening and shutting doors, and calling out the names of the stations. The servants petted him, and the father used to say, "Poor little



DR. TUKE.



fellow, let him amuse himself; he has no playfellows." That is a fact. He had no companions of his own age. He was fond of imitating people. At times he waited at table in the presence of his parents. His father had a livery made for him—blue coat, red waistcoat, red plush breeches, and dress buttons. It was the Windham livery. He wore the livery both before and after he went to school. He used to come into the kitchen to carry up the dishes with the other servants. In doing so he imitated the airs and manners of the servants. After dinner he helped the servants in the pantry. All this was well known to his parents. He did not act thus when there were strangers in the house. He continued working with the servants until the death of his father, and wore the livery until it became too small for him. The family were a good deal alone. After dinner old Mr. Windham generally fell asleep. Sometimes the parents were very indulgent to the boy; at others they were very severe. Their treatment of him was irregular and capricious. I attended old Mr. Windham on his deathbed. The son came home from Eton in time to see his father die. He used to enter the bedroom, shake his father by the hand and kiss him. His conduct at the funeral was becoming. On his return from the church he cried very much, kissed me, and asked me not to leave him. I replied, "I promised your father, and I will not leave you until you are twenty-one." He said, "I am very glad of it," and then went off with Lord Alfred Hervey. His manner towards me had always been very kind and affectionate. He was quick and hasty, resembling his father in many respects—in making a noise, laughing, singing, and whistling about the house; but he was generally kind to all the servants. He did not like to lose at cards, and used to become pettish when the game was going against him. He played whist very well. When young Mr. Windham and his tutors were at Fellbrigg; there was very little company in the house. Mr. Martin and myself used to play whist of an evening with Mr. Horrocks and Mr. Windham. Mr. Windham, who was at that time about eighteen or nineteen years of age, was quite able to hold his own at cards. He had horses, and spent the greater part of his time in the open air. His father was not a reading man. Both father and son were regular church-goers. The church is in the park, and the whole of the parish belongs to the Windhams. The conduct of young Mr. Windham in church was always unobjectionable. I saw little difference between the way he went on, and the ordinary demeanour of his father in the house; both made a good deal of noise, and noise of the same kind—laughing, singing and whistling. Young Mr. Windham was as cleanly in his habits as other boys, and never misused his bed. In 1856 there was something said of me leaving. I wrote to Mr. Windham that I had been discharged, and in consequence of his interference an arrangement was made by which I remained. His manner on all occasions was that of a rational and sound man. I was a good deal distressed at his marriage. Two days before it took place General Windham sent for me and my husband to Hanworth-hall, and told us he had been telegraphed for to stop the marriage. That was the first time I believed the report. The general requested us to go at once to London, as he believed we could do more to stop the marriage than he could, and he said he would follow us next morning. Myself and husband went off directly, and arrived at Duke-street about five o'clock in the morning. We saw Mr. Windham, and did all we could to prevent the marriage. He said that he would not marry, but would go down to Fellbrigg with us. He did not keep his promise, and the next thing I heard of him was that he was married. Mr. Windham came to Fellbrigg about a week afterwards, accompanied by his wife and two of her sisters—young girls about sixteen years of age. I was not disposed to live in the house any longer, and myself and husband went to the Home-farm. Subsequently I saw General Windham at Fellbrigg-hall, while Mr. and Mrs. Windham were there. I believe he saw his nephew. During the absence of old Mr. Windham Lady Sophia used to have the servants up into the dining-room to dance and romp about to amuse the child, while she played the piano in the drawing-room.

Cross-examined by Mr. Chambers.—I think that young Mr. Windham waited at table when he came home from Eton for the holidays. After he finally left Eton I saw him wipe glasses in the pantry, but I do not think he waited at table. When Mr. Horrocks was at Fellbrigg Mr. Windham used to go to the pantry, but he did not wash up the dishes. He wiped the glasses and romped with the maids. He did not tuck up his shirt-sleeves. He discontinued amusing himself in the kitchen by playing at railways some time before his father's death. After he left Eton he

had a railway whistle, and used to blow it. I am not aware that, when Mr. Horrocks or Mr. Peatfield was at Fellbrigg, Mr. Windham was in the habit of slamming doors to imitate the opening and shutting of carriage doors on the railway, but he continued to blow the railway whistle. The noises he made were not different from those which his father made; they might be a little louder, but that was all. I did not know that they were sometimes made during the night. I have observed him slaving, and have told him to use his handkerchief more. Sometimes he would do so, and sometimes not. His manner of speaking and his habit of slaving have greatly improved during the last three or four years. He continued his holloaings. Old Mr. Windham seldom swore in the house before the servants, but I have heard him swear out of the house. I have also heard young Mr. Windham swear, but very little. It was long before his death that his father said, "Poor little fellow; let him amuse himself; he has no playfellows." There were some young children belonging to the families in the neighbourhood, but I never saw any of them at the hall. The other members of the Windham family lived a good distance off, I did not think that young Mr. Windham was a troublesome boy, or that Mr. Horrocks had considerable difficulty in keeping him in order. Mr. Horrocks had not a tedious task. [Here, at the request of Mr. Chambers, a letter addressed by the witness to Mr. Horrocks in June, 1840, was read by the clerk. "I am sorry," it said, "that you have had so much trouble and annoyance with Mr. Windham, and think you are relieved from a very tedious task."] I cannot state precisely what I meant by the words "tedious task" in that letter. Mr. Horrocks used to want his pupil to read more than he was disposed to do; but they went out a great deal together, and on the whole, I think, got on very well. Sometimes Mr. Horrocks chid him for making a noise. Before I got the information from General Windham I did not believe that Mr. Windham was going to be married. A rumour had reached my ears that the lady was not of good character. Shortly afterwards I saw Mr. Windham in London, and I told him what I had heard. He said it was not true that he was going to marry a person of bad character. When I showed him a portrait of Miss Willoughby which he had sent down to Fellbrigg, and asked him whether that was the lady he intended to marry, he laughed, and said, "Don't believe half you hear." On the 28th of August Mr. Windham agreed to meet me and my husband at the Shoreditch Station and go down with us to Norfolk, but he did not keep his promise, although his things were all packed up by his groom.

Re-examined.—Mr. Horrocks and Mr. Windham rode out a great deal at Fellbrigg. What I mean by saying that Mr. Horrocks chid his pupil was that he would call him a silly fellow and try to imitate him. Colonel Bathurst was at Fellbrigg on a visit while Mr. Horrocks was there. He stayed about a week. In the evening Mr. Horrocks used to allow Mr. Windham to fall asleep, and then amused himself in his own way.

By the Jury.—Young Mr. Windham did not always speak the truth, but he did not tell more falsehoods than other boys. He and his uncle, the General, were always on good terms. She had never been asked to give evidence for the petitioners.

By the Master.—Witness saw very little of Mrs. Windham at Fellbrigg. When I saw Mr. Windham in London, on the 28th of August, I told him that his uncle would get a commission of lunacy against him. I wanted to frighten him more than anything else. He said, "He is up to that, is he? On what grounds?" I think Mr. Windham quite able to manage himself and to give orders in his own house, but I can say nothing about the management of his property.

CHARLES MEERING, HEAD GAMEKEEPER AT FELLBRIGG.

Charles Meering, head gamekeeper at Fellbrigg, said—I have known Mr. Windham from his earliest years. He has carried a gun for the last five or six years, and has always conducted himself very well in the field. He loaded his own gun when he thought proper, and when he did not, he gave it to his servant, like other gentlemen. He gave orders himself to witness about everything connected with the game and shooting parties, and interested himself a good deal in the prevention of poaching. He is a good master, and always behaved well to me. Sometimes he recalled to me old shooting events which occurred when he was very young; witness himself could hardly recollect them. Old Mr. Windham was hot and passionate, and when he was "put up" used to swear a great deal. Young Mr. Windham conducted himself while out quite as well as his father. Witness thought his mind was perfectly sound; nobody would ever get him to believe anything else.

Cross-examined by Mr. Chambers.—Mr. Windham was pretty much like other young men. His manners were not more odd than those of other people. I have never said I was not surprised at their attempting to make Mr. Windham a lunatic. I have never said, "Windham is an idiot, and always will be; and what else could be expected but that they should attempt to make him a lunatic?" Mr. Windham was sometimes in a passion, and on those occasions I observed a little spittle about his mouth, but I have never seen it running down upon his clothes. I have never seen him crying. His laugh is very loud, and he occasionally shouts to amuse himself. I never heard him yelping like a dog, or imitating a cat, or blowing a railway whistle. I am not aware that Mr. Windham on one occasion shot directly at two men loading turnips in a cart. I never heard anything of it. I do not remember saying to Mr. Peatfield that Mr. Windham was careless with his gun. A Major Smith never complained to me, or in my hearing, that Mr. Windham was careless with his gun. When I was getting over a fence, or helping gentlemen over, Mr. Windham has more than once said to me, "Be careful of your gun."

James Catton, a bricklayer at Fellbrigg, said—I have been employed on the estate for more than 30 years. I have frequently talked with the present Mr. Windham about business, and have received orders from him to spare no expense in reason to make the cottages on the estate comfortable. There is no difference between his mode of doing business and that of his father and grandfather before him. I believe him to be a gentleman of sound mind.

Cross-examined.—There was nothing odd in his manner or his voice.

ROBERT CAWSTON, CARPENTER AT FELLBRIGG.

Robert Cawston, the carpenter on the Fellbrigg estate, said I have been there for 38 years, and have received orders from the young squire about the fitting up of a cottage. Mr. Windham told me to make two apartments, because one was not decent. I believed him to be of sound mind, and capable of managing his affairs.

Cross-examined.—Mr. Windham slavered when a child, but of late years he has almost got rid of the habit. He sometimes got into a passion, but not oftener than his father.

MARY BADCOCK, HOUSEMAID AT FELLBRIGG.

Mrs. Mary Badcock, housemaid at Fellbrigg during the last four months, said—I have known Mr. Windham for four years. Since I entered his service he has conducted himself like a gentleman. He has never given inconsistent orders. He is hasty in temper, but his passion is soon over. There is nothing at all strange in the management of his house. He is most domesticated, and, I believe, perfectly sane.

Cross-examined by Mr. Chambers.—Mr. Windham gave a dinner to his tenantry on Christmas-day. He sat at the head of the table and the butler at the bottom. The dinner took place in the servants' hall. All the servants were present, and some tradespeople. Many of the witnesses were there. The company drank Mr. Windham's health and success to his cause. Mr. Windham was the only gentleman present. Since October Mr. Windham has had three or four dinner parties—not gentlemen, but farmers and others of that class. I believe they are all witnesses. My husband was formerly a railway guard, and Mr. Windham used to call and see him at his house in Norwich. It was there that I became acquainted with Mr. Windham. My husband is now his valet. When me and my husband lived in Norwich I sometimes saw Mr. Windham coming off the railway in a dirty state. There is nothing peculiar in his voice. He is fond of singing about the house, but he is not particularly noisy. His room is kept in an orderly state.

Re-examined.—There is nothing in Mr. Windham's conduct in the house which renders it disagreeable to serve there.

By the Master.—At the Christmas dinner Mr. Windham proposed the health of Mrs. Windham, and hoped the company would drink it with him. He said nothing more.

The inquiry was again adjourned.

EIGHTEENTH DAY.—WEDNESDAY, JAN. 8.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

THE REV. MR. BICKMORE.

The Rev. Mr. Bickmore, Rector of Cranwich and Tidlington, in Norfolk, said—I knew the late Mr. Windham; I also knew the Barings, of Cromer-hall. In 1847 I went with Mr. Baring to Fellbrigg to dinner. In 1848 Mr. Windham applied to me to take his son as a pupil. Some of the young Barings were pupils of mine at that time. I was then living was Eagle-hall, near Norwich, and prepared boys for public schools. I had a conversation at Fellbrigg with Mr. Windham and Lady Sophia about their son, and I also talked with the boy himself. I understood that young Mr. Windham was to be prepared for Eton. I ascertained his character from his parents, and likewise judged for myself. The boy came to me in September, 1848, and stayed till Christmas, 1850. During that time he said his lessons sometimes to me, and sometimes to Mrs. Bickmore. His studies were those pursued by boys of his age. He was certainly not studious, but if he chose to apply himself he had not the slightest difficulty in learning his lessons. When he came to me he could read, write, do some arithmetic, and had commenced Latin. He was known as “Gla,” which was the name of his childhood. Witness prepared him in the usual system for Eton, and had every reason to believe that he did Greek and Latin. There was no mental incapacity whatever about him. He was rude and boisterous in manner, and not very tidy in his dress, but he was amenable to authority. I observed a peculiarity about his mouth. During one vacation young Windham was taken to a dentist, and had an ivory plate introduced into his mouth. At the end of 1850 I suggested to old Mr. Windham that his son should be sent somewhere else, in order that he might have the society of bigger boys. When about eight years of age young Mr. Windham wrote the following letter to his mother:—

“My dear Mama,—I am very much pleased with what papa has given me, and I hope he will receive this simple present in return to his great one, and, as I have told him, I am so thankful to him I really cannot express myself for his kindness to me, and I hope you are stronger than you were. But I can almost guess by what Sir John Boileau told Mr. Bickmore, who dined there on Friday night, and I am sorry to say, very indeed, that Sir John fell down, I think, and has hurt himself very much indeed, and is very ill indeed, the day before to dine there, and Lady Catherine was very kind to us indeed to us, and played with us as if she was a little girl. Tom and Mina are quite well, except that Mina has a little cold, and send their love to you. Dear Mama, I shall soon be home now; it is only a week now and Mr. Bickmore has written to papa to say I am to come home on the 14th, but do ask to have me home on the 13th; by-the-bye I never received that little present I asked you to give me for Mr. Bickmore.

“Good bye, dear Mama, your most affectionate son,

“GLA.”

I recollect Sir John Boileau meeting with an accident.

Cross-examined by Mr. Chambers.—The present he sent to his father was a valentine inscribed with the following lines:—

“Accept this token of my love,
And let your heart incline
To chase away all doubts and fears,
And be my Valentine.

He was not more than eight years of age at that time. I had no doubt that Windham did Greek while under my care, and I might go further and say that the book he used was *Arnold's Introduction*. I had nine pupils—all young gentlemen—when Windham came to me. The number fluctuated while he was there. Two boys slept in one room. Windham had no particular chum; they were all as one family. The boys came to me young, and left when they were about thirteen or fourteen. Windham left when he was about ten. Some of the new boys who came when Windham left might be ten, eleven, or twelve years of age, but I think they were younger than Windham. Windham had the ivory plate in his mouth when he left school. I endeavoured to check his habit of slavering, but I did not succeed altogether. At times, when the boy was speaking fast, there was a certain amount of moisture about his mouth. It did not “dribble.”

By the Jury.—I did not “dismiss” young Windham; I simply advised his father to remove him to some school where he would have the society of bigger boys. Another reason for my wishing the boy to be removed was, that I had heard young Windham used violent language and oaths, and I did not think it desirable to expose other boys, fresh from home, to the influence of such an example. I myself never heard Windham swearing. He pursued the same studies as the other boys of his age, and I did not pay any particular attention to him. Instances of violent passion on the part of Windham were not brought to my knowledge. Windham required to be treated with firmness, for he was a spoilt child, and I was occasionally obliged to punish him rather severely. When he left me he was not sufficiently advanced for Eton, but I refused to keep him any longer.

MRS. BICKMORE.

Mrs. Bickmore corroborated the evidence of her husband, and stated that Windham did his lessons in the same way as the other boys. She had no trouble in managing him, and never heard him use bad language. He was not neat in his dress, and sometimes, owing to the slavering caused by the defect in his mouth, his face was rather dirty. Otherwise she never had reason to complain of his habits. It never entered her head that he was not as sound in his mind as other boys.

Cross-examined by Mr. Chambers.—In play he sometimes made his face dirtier than other boys, but witness attributed that to the escape of saliva from his mouth.

Cross-examined.—The boys often played at soldiers, and Windham acted as a leader among them. Some boys were tidier than others.

SIR EDMUND LACON, COLONEL EAST NORFOLK MILITIA.

Sir Edmund Lacon.—I am colonel of the East Norfolk Militia. I remember receiving a letter from Mr. Windham applying for a commission. It was written somewhere in Belgium, and was dated December, 1859. The letter was forwarded to the Lord-Lieutenant, and the application was granted. Mr. Windham joined the regiment in 1860. He wrote a letter to the adjutant from Sandgate, Kent, on the 29th of March, in which he said:—

“I have to inform you that I have just received a letter from Sir Edmund Lacon, in which he says it rests with myself entirely whether I come or not. Since I desire it, I certainly shall join on the 9th; and perhaps you will be kind enough to write and inform me whether I am to appear in undress uniform or not. I should feel obliged also if you could inform me where I can get good lodgings near the sea, as it will be cheaper for me to live there than at an hotel.”

When Mr. Windham joined, the regiment was out for a month's training. As soon as he joined he commenced to learn his drill, and took his part in all the business of the regiment. He got on very well with his drill—more quickly, indeed, than others, because he told me he had learnt his drill at Shorncliffe. He was in all respects as competent as the other young officers, and did all the duties required of a lieutenant. There was a regimental mess at the hotel. I dined at the mess every day. Mr. Windham was generally present, and many of the other officers. I saw nothing in his conduct to attract my attention. He behaved like an officer and a gentleman. In my conversations with him I never noticed any deficiency of intellect. He talked like the other officers, and was always rational and sensible in everything he said or did.

Cross-examined by Mr. Chambers.—He left Yarmouth when the training was over. I saw Mr. Horrocks in Yarmouth. Mr. Windham never told me how he had managed to come and join the regiment. Officers on joining have to learn the sword and musket exercise and marching. Mr. Windham could do the manual and platoon exercise. I never had any complaints made to me about his conduct in Yarmouth. One day, when the regiment was marching on to the parade-ground, Mr. Windham called out, “Shall I double up?” I thought that expression so strange coming from a recruit that I spoke to him on the subject, and it was then he told me that he had learned his drill at Shorncliffe. He was not reported to me for riding about with a woman during the training.

Re-examined.—It was after the training was over that I saw Mr. Horrocks in Yarmouth. I had then no authority over Mr. Windham.

By the jury.—I never saw Mr. Windham at a ball or in the society of ladies at Yarmouth. He conducted himself like a gentleman at mess. He applied in the first instance for an ensigncy, but there was several lieutenancies vacant at the time and he got one of them.

ANTHONY HANLON, SERGEANT-MAJOR, EAST NORFOLK MILITIA.

Anthony Hanlon, sergeant-major of the East Norfolk Militia, said Mr. Windham, when he joined came into his hands to be drilled. He attended regularly to his drill, and learnt it faster than others—so fast, indeed, that I often allowed him to stand at ease while the rest were going on with their drill. He was very attentive, and gave not the slightest trouble. I thought him a very smart officer, and was sorry when he left the regiment.

Cross-examined by Mr. Chambers.—Mr. Windham commenced the drill from the beginning, but he could march well when he joined the regiment, and he was consequently put into an advanced squad. He went through both the manual and platoon exercises, but witness could not say whether he liked it or not. He was at drill five hours a-day. He held a lieutenancy in No. 3 Company, Captain Ensor; there were no other officers in the company. He was either junior lieutenant or junior but one. Captain Ensor was generally with his company. None of the lieutenants had been long in the service.

Re-examined.—At an inspection of the regiment Mr. Windham carried the colours, and did all his work properly on the occasion.

By the Jury.—I never saw him command the company in the captain's absence.

MR. HOLMES, ADJUTANT EAST NORFOLK MILITIA.

Mr. Holmes.—I was formerly in the Hussars, and served in India and the Crimea. I am adjutant of the East Norfolk Militia, and remember Mr. Windham joining in 1860. I saw him the whole time he was with the regiment. He drilled under my directions, and was quicker at it than most other officers. I occasionally dined at the mess; Mr. Windham was always present when I was there, and his conduct was that of an officer and a gentleman. His address and conversation were those of a sensible man. As paymaster I had to settle his accounts with him; he appeared to understand them, and he conducted the business the same as the other officers.

Cross-examined by Mr. Chambers.—He always told me the truth. I may have expressed an opinion about him, as other people have done, and I may have used the words, "He is an awful liar." I live at Yarmouth, and have a family. The officers of the regiment used to visit me. I do not think Mr. Windham ever called at my house. The Yarmouth people are very hospitable. I know that Mr. Windham was in society at Yarmouth, but I was much engaged at the time, and never met him in the social circle. Under the commanding officer I had the superintendence of the whole of the drill. The whole of the regimental business passed through my hands. I do not remember any report being made of young Windham going about in his regimentals with improper characters. It was his duty as one of the junior lieutenants to carry the colours on parade. I heard that he had joined the regiment without the knowledge of his tutor, Mr. Horrocks, but I do not remember whether he told me so himself or not. I was not aware that he was in the habit of driving railway engines.

Re-examined.—Mr. Windham was a good officer. During the training I never went into society. Mr. Windham always told me the truth, and I said he was "an awful liar" on hearsay.

MR. SMITH, SURGEON, EAST NORFOLK MILITIA.

Mr. Smith, surgeon of the East Norfolk Militia.—I dined at the mess several times during the training in 1860. Mr. Windham was always there, and conducted himself very well indeed. I have had conversations with him. He was uniformly gentlemanly in his behaviour, and appeared to be a man of sense, quite aware of what he was about. I saw no difference between him and the other officers.

Cross-examined by Mr. Chambers.—I have met Mr. Windham in society. I recollect seeing him at a musical party in Yarmouth. He conducted himself with propriety in the drawing-room. I never had occasion to make any complaint about him. We were not on very intimate terms. The musical party was given by Mr. Harcourt, who at one time was member for Bucks.

By the Jury.—I did not see a great deal of Mr. Windham.

NICHOLAS CAWSTON, CARPENTER.

Nicholas Cawston, carpenter, said—I have lived at Fellbrigg pretty nearly all my life, and I am now seventy-seven years of age. I knew the great Mr. Windham.

The late Mr. Windham was a clever sort of a man, but hasty sometimes, and when in a passion he would swear a little. He had great confidence in me, and left me £5 when he died. I have known the present squire since his childhood. I am clerk of the parish, and have no hesitation in saying that no man in England could conduct himself better in church than Mr. Windham did. Mr. Windham has always behaved well to me. He is perfectly sound in his mind, "and," to Mr. Karslake, "if he had your wig on his head he would make a very good counsellor." (A laugh.)

Cross-examined by Mr. Chambers.—Four or five weeks ago Mr. Windham sent his servant to church to invite me to dinner. I accepted the invitation, and have dined once or twice at Fellbrigg-hall since. I dined with the servants. Mr. Windham did not sit down at table with us. I was discharged by Captain Windham, the receiver, when the estate was put into Chancery, but I did not make a song about the gallant gentleman in consequence, or sing it at the Hall at Christmas in 1860.

Re-examined.—Captain Windham told me that the workhouse was the best place for me. He is a good sort, he is, I don't think! (A laugh.) I have managed to keep out of the workhouse.

JANE MORRIS; CHAMBERMAID AT VICTORIA HOTEL, YARMOUTH.

Jane Morris, chambermaid at the Victoria Hotel, Yarmouth, said—I remember Mr. Windham staying at the Victoria Hotel when the militia were out for training. It was my duty to attend to his bedroom. I never noticed anything out of the usual way about his clothes or his bed. He always behaved like a gentleman, and it never struck me that there was anything wrong in his head.

Cross-examined by Mr. Chambers.—I had nothing to do with Mr. Windham except in the way of business, and never received a farthing from him in my life. I have not had much conversation with him at any time.

JAMES REYNOLDS, A WAGGONER AT FELLBRIGG.

James Reynolds, a waggoner at Fellbrigg, had known Mr. Windham all his lifetime. had often talked with him about ploughing and farming operations generally, and had never heard or seen him do anything which was unusual, or which would lead him to suppose that he was not right in his mind.

Cross-examined.—Mr. Windham was very fond of horses, and drove a team pretty well. There was nothing peculiar in his laugh, and I never heard him shouting. He was always very quiet when with me.

ANNE THURSTON, SERVANT AT FELLBRIGG.

Anne Thurston said—I was in the service of old Mr. Windham at Fellbrigg at the time of his death. The household was then reduced, but I returned to Fellbrigg about three years ago. Since then I have seen young Mr. Windham from time to time. I left with Mrs. Martin. Mr. Windham was always gentlemanly and cleanly in his habits; there was no difference between him and other gentlemen.

Cross-Examined by Mr. Chambers.—I have often seen him in the pantry, but never wiping glasses. He would sometimes go into the kitchen, but he would not stop long. His object was to speak to Mrs. Martin. His hands and face were always remarkably clean, and his clothes were particularly neat and tidy, while in his linen he was as particular as a lady. I have seen a little slaver at his mouth, but he always used his pocket-handkerchief. I never noticed anything peculiar about his voice or his laugh. He laughed loudly, but not very much—just like other young men. I never heard him swear. He was fond of joking with the servants but he was not particularly rough or noisy.

THOMAS SCOTT, LABOURER, FELLBRIGG.

Thomas Scott, a labourer at Fellbrigg, had often talked with Mr. Windham about the dairy business, and believed him to be of perfectly sound mind.

ALLAN SHEPHERD, BLACKSMITH, FELLBRIGG.

Allan Shepherd, blacksmith on the estate, gave similar evidence. He denied in cross-examination that after making an affidavit, he had said, "I'm not going to lose my bread." He did all the iron work on the Fellbrigg estate.

By the Jury.—Had heard old Mr. Windham holloa when he was alone in the parlour. The son sometimes did the same.

JONATHAN LINES, FELLBRIGG.

Jonathan Lines, who attended Mr. Windham when out shooting, said he was very careful with his gun, and always conducted himself like the other gentlemen.

Cross-examined.—Mr. Windham had cautioned other gentlemen to be careful with their guns, and he had given a similar warning to the gamekeeper. When I have been at his side, I have heard him cry out to the other gentlemen not to fire, or they would shoot me.

JAMES KNOWLES, BUTLER, FELLBRIGG.

James Knowles, butler at Fellbrigg, said he entered the service in 1843, and stayed till 1847. I went back again a few months ago, and am there now. In the interval I served in the Bristol family, and in the Army and Navy Club. Mr. Windham told me years ago that when he came of age he would have me for his butler. He has carried out his promise. Mr. Windham when a boy was very high-spirited, and was indulged by his parents. He now gave all the orders in his house, and presided at table. His conduct towards the servants was very kind. He is passionate at times, but his father was the same, and worse. The fits do not last long. I believe him to be a man of sound mind.

Cross-examined by Mr. Chambers.—Everything in the house is left to me. Mr. Windham never told me, though I was a confidential servant, that he was going to be married. I do not know whether Lady Sophia had a whip to keep her son in order; if she had I never saw it. I was not present when Mr. Windham tucked up his sleeves and helped the servants to clear the table at the Marquis of Bristol's, in St. James's-square. Mr. Windham, when in a passion, was not more violent than other young gentlemen. I have observed a little saliva about his mouth, but nothing very particular; I have certainly never seen it running down upon his clothes. I was engaged to go down as butler to Fellbrigg by Mr. Lewellin, who over and over again told me that I would find Mr. Windham a good master. I was present at the Christmas drink. There were 45 persons present. The dinner consisted of wine and beer. There were half-a-dozen of champagne, half-a-dozen of claret, and some port and sherry. In the evening the carpet was taken up in the dining-room, and the company engaged in dancing. I heard Mr. Windham in the room, but I did not notice that his face was blacked, and that he was dressed something like a clown. Mr. Windham did not kick the candlesticks out of my hands. I dropped a candlestick, and Mr. Windham kicked it—perhaps accidentally—in passing, and told me to bring another. I did not see Mr. Windham throw himself upon the floor and imitate the action of swimming. There were some people at the dinner who were not tenants of Mr. Windham. Many of the witnesses were present. When I saw Mr. Windham the following morning he did not speak to me about what he had heard of his conduct the night before. Mr. Windham was at Fellbrigg for several days at Christmas. He dined at home every day. Once or twice he had a guest, but I do not remember the name, though I have seen the same gentleman some years ago. I do not know whether Mr. Windham was away on the Monday before Christmas, but he was away on the Tuesday.

Re-examined.—In his boyhood Mr. Windham was allowed to wait at table from the soup to the dessert. He used to go through the work with the utmost gravity, and his parents never interfered with him. In old Mr. Windham's time all the servants about the house, and the principal people employed on the estate, dined at the hall on Christmas-day, and had a dance in the evening. I have no idea in the world who has given all the information about the dinner last Christmas.

By the Jury.—Mr. Windham was merry on Christmas night, but he was not "fresh." I was never told anything about Mr. Windham having his face blackened. There is a regular wine account kept in the house. Mr. Windham allowed me to keep the key of the wine cellar.

EDWARD SMITH, CLERK TO MR. BUCKMASTER, TAILOR.

Edward Smith, travelling clerk to Mr. Buckmaster, tailor, New Burlington-street, said—in March 1861, I was staying at the Yacht Hotel, Guernsey, and saw Mr. Windham there. Mr. Windham told me that he expected in May to get a commission in the 2nd Life Guards, and gave me an order for some clothes. He conducted himself like a gentleman, and I had not the slightest suspicion that there was anything wrong in his mind. He talked sensibly enough.

Cross-examined.—There were many young officers who were not particularly wise in conversation. Mr. Buckmaster's bill had not been paid.

The inquiry was again adjourned.

NINETEENTH DAY.—THURSDAY, JAN. 9.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed yesterday in the Court of Exchequer, Westminster, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Karslake, in reply to a question from the Master, stated that he hoped to finish the evidence for Mr. Windham by Monday or Tuesday next.

Mr. Robinson, surgeon, stated that Lady Sophia Giubilei, the mother of Mr. Windham, was unable from illness to attend and be re-examined as a witness in this case.

CAPTAIN ENSOR, 38TH REGIMENT.

Captain Ensor.—I was at one time in the 38th Regiment. After I left the army I obtained a commission in the East Norfolk Militia. I hold it now. When Mr. Windham joined the regiment he was posted to my company. I was in daily communication with him during the training of 1860. I saw him at mess, as well as elsewhere, almost every day. He was constant in his duty on parade, and performed his duty exceedingly well—very zealously indeed. He proved himself an unusually efficient subaltern to me. At mess his conduct was unobjectionable. From first to last, as far as my observation went, he behaved like an officer and a gentleman. After the training I saw nothing of him till the end of September, 1861. At that time I was on a visit to a brother officer in the neighbourhood of Fellbrigg. I called on Mr. Windham, and I found him with his wife and two of her sisters. His manner was very friendly. He introduced me to the ladies. After some conversation, he told me that he and his wife were going to ride, and asked me to accompany them. We rode through the park to a cottage, which he said he wished to look at, with a view to necessary repairs. He got off his horse and inspected the cottage, both outside and inside. We then rode to a farmhouse, when he introduced Mrs. Windham in the usual way to the farmer's wife. When we returned to the hall he asked me to stay to dinner. He said he wished to dine early, as he had to attend an agricultural meeting at South-house. I declined the invitation, in consequence of an engagement elsewhere, and after taking a glass of wine I left the hall. I believe him to be of perfectly sound mind.

Cross-examined by Mr. Chambers.—As his captain I was very intimate with him but I do not know how he passed his evenings after mess. He did not tell me how he had managed to join the regiment, nor did he make me acquainted with his passion for driving railway engines, or with his habit of acting as a policeman. I do not know with what persons he associated at reviews. I was present at a review in Norwich, but I did not see Mr. Windham there. I cannot give you the name of any young officer with whom he was in the habit of associating as a friend. He had just joined the regiment; he was friendly with us all; but I do not know that he had any particular companion. As the youngest officer it was his duty to carry the colours when the regiment was paraded, and, as far as I recollect, he always did so. I associated with him at my own lodgings and at mess, but I had no time to walk with him arm-in-arm about the town. I do not think he was in the habit of leaving the mess before it broke up. I have seen him associating with ladies at parties. I saw him at a ball. I did not see him making a great noise on the stairs; he was in the room dancing. I saw him at a musical party given by Mr. Harcourt. He behaved himself in a becoming manner. He used to talk a good deal, and there was a peculiarity in the sound of his voice. I had neither seen nor heard of Mrs. Windham before I was introduced to her by her husband.

Re-examined.—The peculiarity in his voice arose, I think, from a difficulty in articulation. There was nothing in his conduct at mess which at all attracted my attention. Any misconduct would have been noticed at once. He used to visit me at my lodgings. Once or twice I sent him to march my company up from the private parade to the general parade.

By the Master.—He seemed to have a great liking for military service.

By the Jury.—He performed his duties as a subaltern to my satisfaction. We had no field days, but we had an inspection. His conversation was consequent and coherent.

MR. BINGHAM, TAILOR, NORWICH.

Mr. Thomas Bingham, tailor in Norwich, said he had known Mr. Windham since October, 1859. He had supplied him with clothes; his orders were always sensible and moderate, and he showed great shrewdness in selecting the different articles which I made up for him. In August, 1861, just after he came of age, he gave an order to me for clothes for his servants, and also for an overcoat for himself. His orders, both then and at other times, were exactly similar to those which I was in the habit of receiving from other gentlemen. He was very particular about the fit of his clothes, especially his trousers. I had a conversation with him in November last. On that occasion he said his education had been neglected, and he had nothing to thank his family for in that respect. I never suspected that there was anything wrong in his head.

Cross-examined by Mr. Chambers.—His conversation with witness was always extremely sensible. It was not superior, but was equal to that of other young gentlemen in the neighbourhood of Norwich. Witness never heard that an objection was made to the payment of one of his bills against Mr. Windham. The amount of a bill which witness rendered to Mr. Martin, the bailiff, and which still remained unpaid, was a little over £57. It was all due for clothes for Mr. Windham himself. Mr. Windham showed great shrewdness in choosing the patterns and examining the quality of the cloth. He never ordered a railway suit. Witness never heard of his propensity for driving engines and acting as a guard. When he told witness that his education had been neglected, and that he had nothing to thank his family for in that respect, he spoke seriously, like a man who really believed what he said.

Mr. Charles Howlitt, an ironmonger in Norwich, said he had transactions in business with Mr. Windham, extending over three years. Mr. Windham gave his orders himself, and they were always sensible, moderate, and proper. At various times he ordered cast-iron mangers for the stables, a hot and cold water bath, powder, and shot, and other things. His conduct and conversation were always those of a sensible man. He instructed witness from time to time to send in his account, and managed his business like other gentlemen.

Cross-examined by Mr. Chambers—When Mr. Windham came to the shop in Norwich he wore the dress of a gentleman, and was clean and neat in his appearance. I do not know where the Fellbrigg gamekeeper got his powder and shot. It was not at his shop. Mr. Windham was always alone when he came to the shop. On one occasion he ordered a tea urn and an electro-plated tea service, and took them away in a cab. I understood that Mr. Windham was at Fellbrigg at that time. Once he gave me a £50 note for a £5 note, and a sovereign in payment of a bill. He appeared to have three or four other notes in his pocket-book at the time. I once saw Mr. Windham in the theatre in Norwich. He was in one of the upper boxes, and conducted himself properly. A week or two ago I accompanied Mr. Windham and a party to Drury-lane Theatre. We occupied a box. We went to the theatre from Brett's Hotel, in Holborn, where I was staying. Mr. Windham did not dine there. The party met him by appointment outside the theatre. He treated us all. We stayed till the end of the pantomime. Mr. Windham drove off from the theatre in a cab, and I went to the Haymarket, where I had a glass of ale. I thought I saw another witness in the Haymarket. After I had the glass of ale I went straight home. I had the ale in Barnes's public-house in the Haymarket, on the left hand going up. I had twice seen Mr. Windham there at night since the commencement of this inquiry. The first time was about ten o'clock, and Mr. Windham was talking to the landlord in front of the bar. The second time was about the same hour, and Mr. Windham was speaking to a gentleman with a moustache. He had a glass of ale. I did not think it necessary to caution him about frequenting the Haymarket during the progress of these proceedings. I was not presumptuous enough to offer advice to a gentleman like Mr. Windham. Mr. Windham conducted himself properly, but I did not think it was right for him, under present circumstances, to go to a gin-shop in the Haymarket, though he declined to say whether it was the act of a rational man or not. At that time Mr. Windham was staying with Roberts in Piccadilly, and I had dined with him there along with others. Roberts did not dine with them.

They had sherry and ale, but no champagne. After dinner Mr. Windham went away in a cab, and I proceeded to the Alhambra, where I saw General Windham. I dined a second time with Mr. Windham at Piccadilly. On that occasion he told Mr. Windham that he ought not to live with Roberts. What he said was, that it was disgraceful to live with such a fellow. Mr. Windham said Roberts was a bad sort, and he intended to leave him. After dinner they separated, but later I found Mr. Windham in Barnes's. In the interval, I had visited the Princess's Theatre. I did not stay till the end of the performance. Mr. Windham did not tell me that night, or on any other occasion, that he intended to give a grand ball to the women in the Haymarket, nor did he tell me that he was still in the habit of going almost nightly to the Haymarket. I presumed, however, from seeing him twice in the Haymarket that he was still in the habit of going there. I saw Mr. Windham talking to a woman in the Haymarket, but did not hear what he said. He was not laughing or making a noise, nor was there a crowd of women standing about him. It was last Thursday night I went to the Alhambra. I never said, "They have got up young Windham very well; he really looks a clever young fellow." At Norwich I never associated with Mr. Windham, except in the way of business.

Re-examined.—All the persons who went to Drury-lane Theatre with Mr. Windham, and who dined with him in Piccadilly, were witnesses from Norfolk, staying in London at his expense. I believe that Mr. Windham had broken off his acquaintance with Roberts, and was now living at Morley's Hotel. When he saw General Windham in the Alhambra, he was accompanied by Mr. Hansell, his solicitor; they left early, and I could not say whether or not he met them afterwards in the Haymarket.

By the Master.—When I dined with Mr. Windham, and went with him to the theatre, he did not seem cast down or dejected; on the contrary, he was in excellent spirits.

By the Jury.—I gave Mrs. Windham a stamped receipt for the money given to him in payment of his account.

MR. COLMAN, FISHMONGER, NORWICH.

Mr. Charles Colman, fishmonger and dealer in game in Norwich, said—I have transacted business with Mr. Windham. The prices I gave to Mr. Windham for his extra game were—5s. a brace for pheasants, 2s. for partridges, hares 2s. each, and 9s. a dozen for rabbits. Mr. Windham discussed the prices, and seemed to understand perfectly what he was about. He came for the money himself, and gave a stamped receipt; in fact, he conducted the business just like any other gentleman.

Cross-examined by Mr. Chambers.—It was usual for gentlemen themselves, and not their gamekeepers, to bargain for the sale of their extra game. Mr. Windham was alone when he agreed upon terms with me.

Re-examined.—My account with Mr. Windham was kept precisely in the same way as those with other gentlemen.

MR. H. W. BURR, BERKS.

Mr. H. W. Burr, of Wokingham, Berks, said I have been in the habit for some years of preparing young gentlemen for the army. In November, 1858, Mr. Windham came to me, and stayed till February, 1859. During that time he was away on a short vacation. He came to me to read for the army examination. His studies were history, geography, mathematics, classics, French, and fortifications. I had other pupils at the same time. I consider Mr. Windham rather quick at learning than otherwise. He was not assiduous, but if he chose he could learn more than some others. He had two horses, and occasionally went out shooting. I was occupied with him, more or less, daily. Mr. Windham, when he came to me, knew something of the classics, but his education in common things—spelling, grammar, and the modern languages—had been neglected. His manner was uniformly regular and gentlemanly; he behaved in the house quite as well as the majority of pupils. There was nothing dirty or unbecoming in his dress, and he was as dainty as others about his linen. At times he was rather particular than otherwise about his personal appearance. There was nothing at all in his conduct to find fault with. He did not work so hard as some other boys, but he had sufficient ability to pass the army examination. Indeed, if he had chosen to apply himself, he could have passed better than some who have passed since. I believe him to be a man of perfectly sound mind.

Cross-examined by Mr. Chambers.—His rules were as strict as they well could be in such an establishment. Mr. Windham was generally very punctual at his meals and made no peculiar noise while eating. I observed the unusual formation of his mouth, and occasionally noticed the saliva running from the corners, but not to any great extent. He had seen him rather excited from drink, but never heard him swear. Mr. Windham was not in the habit of drinking more than was good for him. He had a good appetite, but he did not eat voraciously. I taught him "Euclid." He got about half way through the first book. He had a very good knowledge of geography and history. Mr. Windham came to me to be crammed, and he would have been crammed well if he had remained for six weeks or two months longer. I was under the impression that he left because he had got into debt in the neighbourhood. His debts altogether amounted to about £70. I heard of his fondness for driving railway engines, but could not say that I had seen him coming home covered with dirt and soot. He had not an idiotic laugh, nor was he in the habit of laughing more than others. He was taken away by Lord Alfred Hervey.

Re-examined.—I got in Mr. Windham's bills and paid them. There was nothing out of the way in them.

By the Master.—Mr. Windham was grounded in many branches before he came to me.

MRS. BURR.

Mrs. Burr corroborated the evidence of her husband as to the gentlemanly conduct and manner of Mr. Windham. His habits, she said, were cleanly. He was rather particular about his linen, and his language was never offensive. From first to last he behaved himself decently and rationally. He was kind to the servants.

Cross-examined.—I have observed a little saliva at the corners of his mouth while eating, but not much.

REV. MR. HURST, OF WOKINGHAM.

The Rev. Mr. Hurst, curate of Wokingham, said he became acquainted with Mr. Windham when he was staying at Mr. Burr's, and gave him lessons in mathematics. Mr. Windham had the average ability in learning mathematics, and there was nothing about him to lead to the conclusion that his mind was impaired. I believe him to be perfectly sane.

Cross-examined.—What he taught Mr. Windham was arithmetic—addition, subtraction, and vulgar fractions.

By the Master—I considered him the brightest youth in mathematics at Mr. Burr's.

MR. COOK, SOLICITOR, WOKINGHAM.

Mr. Cook, solicitor at Wokingham, said—I knew Mr. Windham when he was at Mr. Burr's. Mr. Windham rode and drove about a good deal, and on one occasion he drove me himself. After the Reading Steeple-chase in February, 1859, Mr. Windham told me that somebody had run into and broken his dog-cart, and wished me to find out who it was, because he wanted to make the person pay the coachmaker's bill. I made inquiries, found out the person, and obtained the amount of the bill—£1, 10s. I met Mr. Windham at the opening of the Wellington College, and on many other occasions, and believed him to be a man of sound mind.

Cross-examined.—Never saw him do anything strange.

ELIZABETH CROSSLEY, NORWICH.

Elizabeth Crossley, chambermaid and barmaid at the Duke's Palace Hotel, Norwich, said Mr. Windham was in the habit of staying there occasionally as well as his two uncles, Captain and General Windham. Young Mr. Windham had slept at the hotel. He always conducted himself like a gentleman, and she never observed anything peculiar in his room.

Cross-examined by Mr. Chambers.—Mr. Windham was last at the hotel on the Saturday before Christmas. I do not recollect whether there was anybody with him except his servant.

By the Jury.—Mr. Windham was owing money at the hotel. I did not know the amount, but it was over £100.

By the Master.—The bill began in September, 1860, and was principally for things supplied to Mr. Windham and the keep of his horses.

MRS. ANN WARNER, BEDFORD HOTEL, COVENT GARDEN.

Mrs. Ann Warner, landlady of the Bedford Hotel, Covent Garden, said—Mr.

Windham stayed with her in May last for a fortnight. During that time she had constant communication with him; he conducted himself like a gentleman, and she did not notice anything peculiar about him.

Cross-examined.—Mr. Peatfield, his tutor, was with him.

By the Master.—He paid the bill himself. There was nothing in his appearance or conversation to lead her to suppose that he was deficient in understanding.

MR. SEELEY, STATIONMASTER, E.U. LINE.

Mr. W. Seeley, stationmaster on the Eastern Union line at Norwich, had seen Mr. Windham at the station as an occasional traveller. He took out his ticket in the usual way, and conducted himself in all respects like an ordinary passenger.

Mr. Chambers.—I have no question to put to the witness, who has cost much and told us little.

MR. PARKER, INSPECTOR, THORPE STATION.

Mr. Parker, passenger inspector, at the Thorpe Station, near Norwich, gave similar evidence, and stated that Mr. Windham, in his undress militia uniform, might easily have been mistaken for a railway guard.

Cross-examined.—A belt and pouch formed no part of the Militia uniform.

MR. CHAPMAN, RELIEVING OFFICER, FELLBRIGG.

Mr. Chapman, relieving officer of the union in which Fellbrigg is included, said—I have known Mr. Windham for many years, and have negotiated the taking of a farm with him. The negotiation took place about this time last year, and I took possession of the farm, in the presence of Mr. Windham, at Michaelmas. I believe the squire to be a man of sense.

Other evidence of a similar character was given, and the inquiry was adjourned.

TWENTIETH DAY.—FRIDAY, JAN. 10.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

It was arranged this morning that counsel should be present at the interview which the Master and jury proposed to have with Mr. Windham at the close of the case.

CAPTAIN IVES OF NORFOLK.

Captain Ives, examined by Mr. Karslake.—I am a county magistrate and deputy-lieutenant of Norfolk, and have known the Windham family for many years. I first met young Mr. Windham about two years ago at a dinner party in Norwich. At that time Mr. Horrocks was living with him. Mr. Windham acted like any other gentleman in the room. Shortly after he invited me to Fellbrigg to meet the hounds and asked me to send my horses. I accepted the invitation, which was given through Mr. Horrocks, and went to Fellbrigg on the 10th of January, 1860. There was nobody in the house except Mr. Horrocks. I stayed three days and four nights. On one of the evenings Mr., Mrs., and Miss Scott and Captain Windham dined there. One day Mr. Windham went out to dine with Lord Suffield; Mr. Horrocks remained with me. I went out with the hounds twice; Mr. Windham accompanied me. He rode a horse belonging to Lord Suffield. He dined at my house at the end of January. During my stay at Fellbrigg he behaved like a gentleman, as far as I could judge, and he rode very well with the hounds. Lord Suffield lent him a horse on two occasions while I was there. I went into the stables with Mr. Windham. Neither there nor in the hunting-field did I ever see any cruelty on his part towards the horses. Last summer I met him frequently in London. Mrs. Ives was in London at the time, and was in the habit of riding with me in the Park. We used to see Mr. Windham frequently in the Park, riding. He joined us once or twice. I liked the look of the horse he was riding one day, and asked him whether he would sell it. He said he had just bought it for £40, and seemed disinclined to part with it. As an inducement I offered him £50 for the animal, thinking he would easily get another for himself, for I considered him to be a good judge of horses. I have seen him driving once since he married. I was going

through Aylsham, and I saw him driving a four-in-hand down the Norwich road. I overtook him very soon. He pulled on one side and I drove up alongside of him. I asked him about the horse I had fancied in London, and he told me it had met with an accident and I could not have it at all. He drove very steadily on that occasion. I believe him to be a person of sound mind.

Cross-examined by Mr. Chambers.—I had an impression that he was a fast driver and thought he might try to pass me on the Norwich road, but he made no attempt to do so. I had heard that he had driven the mail cart once from Cromer to Aylsham, and that circumstance may have given me the notion that he was a fast driver. I was invited to Fellbrigg by Mr. Horrocks at the request of Mr. Windham. I had gone to bed when Mr. Windham returned from the dinner at Lord Suffield's. When I overtook him on the Norwich road he was by himself. I have not seen him since that day. When I met him in the park last summer he was generally riding alone. He joined Mrs. Ives and me once or twice, but generally, if I wanted to speak to him, I turned and rode with him. He rode rather faster than we did. I saw him riding once with a lady who breaks in horses. It was not Miss Gilbert, but I think it was a lady of good character. That was the only time I saw him riding with a lady. Mr. Horrocks and he did not seem to be on very good terms. Mr. Windham did not appear to like his tutor. At the dinner party of which I have spoken Mr. Horrocks sat opposite Mr. Windham.

Re-examined.—I formed the opinion that Mr. Windham and Mr. Horrocks were not very good friends from what the latter told me.

By the jury.—Mr. Horrocks told me that Mr. Windham was difficult to manage.

Major Glover, examined by Mr. Karslake.—I reside near Fellbrigg, and am Major in the East Norfolk Militia. I was out with the regiment for training in 1860. I had known Mr. Windham for a short time before that. I dined with him at Fellbrigg in December, 1859. During the training in 1860 he learnt his drill very quickly, performed all his duties in an efficient manner, and his conduct at mess was that of an officer and a gentleman. I did not observe in him any indication of want of intellect. When I dined with him at Fellbrigg he behaved himself properly. I have not seen him since the training in 1860.

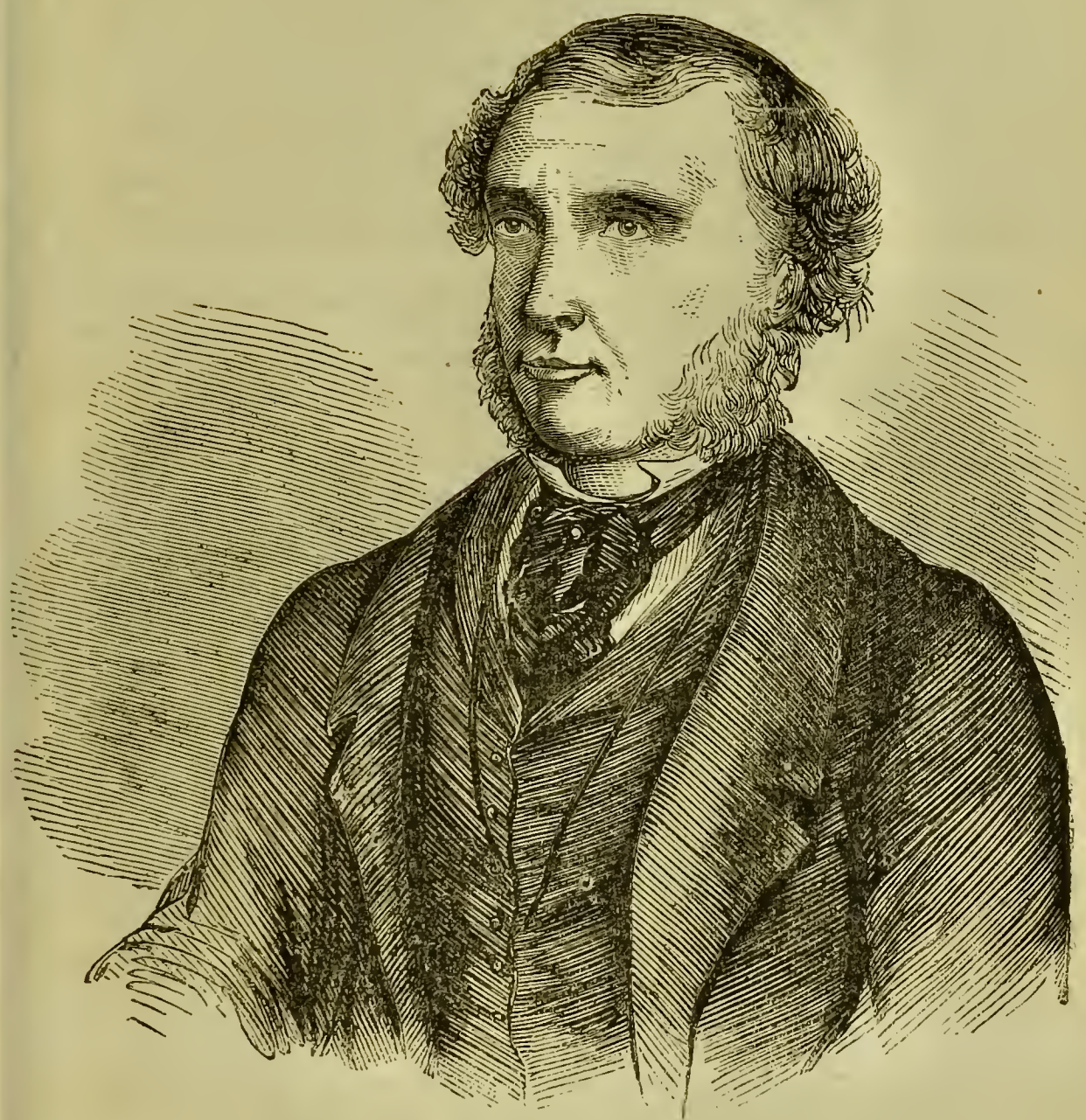
Cross-examined by Mr. Chambers.—Colonel Sir Edward Lacon dined every day at mess and kept very good order. I saw very little of Mr. Windham, except at mess and had no means of judging of his truthfulness. I never saw him in the streets after mess. At drill, as far as I saw, he was obedient, and seemed to like it. I saw no difference between his conduct and that of the other young officers. I am not aware that he had any particular companion in the regiment.

Re-examined.—Mr. Windham did not require to be kept in order at mess. He was the youngest officer in the corps.

By the Master.—I saw Mr. Windham at a ball in Yarmouth, but observed nothing particular in his behaviour. Any misconduct on his part would have been noticed at once. When I dined at Fellbrigg the guests were Mr., Mrs., and Miss Scott; Mr. Pears, Captain King, Mr. Baring, and Mr. Horrocks. Mr. Windham and Mr. Horrocks seemed to get on very well together at dinner.

REV. MR. DOLPHIN, OF ANTINGHAM.

The Rev. Mr. Dolphin, rector of Antingham, in Norfolk.—I knew the late Mr. Windham very well, and have known the present Mr. Windham since his childhood. His father was a passionate man. I made the remark more than once that I did not think the present Mr. Windham would turn out well in consequence of the then contradictory and inconsistent control he received from his parents. In December, 1860, he and Mr. Peatfield dined with me. There were ladies as well as gentlemen at table. Mr. Windham talked in a loud tone of voice, but there was nothing particular in his conduct. I am chairman of the Board of Guardians. On one occasion Mr. Windham came and spoke to me about a pauper in one of his parishes. He said it was a case deserving of relief; the man had been out of work for two or three weeks, but as he was a single man Mr. Windham thought he had not been attended to. I told him that his statements would receive every attention. An inquiry was made into the case. Mr. Windham's representations turned out to be perfectly correct, and the man was relieved. Last spring I heard that Mr. Windham was about to be married to a lady of good family. About that time I met him near my own house, and congratulated him upon the proposed marriage. He replied, "Thank you," and upon my mentioning the name of the



MR. GWYN.

lady, he said, "Yes, that is the lady." Last summer—in July—I saw Mr. Windham at Lord Suffield's. He stayed and dined. Before dinner Lord Suffield, Mr. Windham, and I walked through the grounds to the dairy farm. On that occasion I was with him an hour. His remarks were perfectly sensible and rational, and he seemed to understand the subjects of conversation. From what I have seen of him I believe him to be a person of sound mind.

Cross-examined by Mr. Chambers.—And as capable of managing his estate as many others who come into their property without knowing the value of money. Old Mr. Windham was a passionate man, and on two occasions he exhibited his passion at the board of guardians. I think he swore. I have seen him angry with myself about politics. Young Mr. Windham, as I predicted, has not turned out very well. I never saw his parents severe to him. He was an affectionate boy, and I never saw him in a passion. His parents treated him irregularly and capriciously. When he came down after dinner his father would tell him one thing, and the next minute his mother would tell him the very reverse. I have not heard at different times that he was about to be married to different ladies. Besides the occasion I have mentioned, there was some talk of his going to be married to a young lady at Torquay. I have not heard that he was in the habit of falling in love with young ladies.

By the Master.—I never saw him waiting at table in the dress of a page.

Re-examined.—I should call old Mr. Windham a hasty man.

By the Jury.—I know General Windham very well. He has never expressed himself in an unkindly manner towards his nephew in my hearing.

SIR HENRY ROBINSON.

Sir Henry Robinson.—I live near Fellbrigg, and made Mr. Windham's acquaintance about a year ago at a dinner given by the last witness. I spoke to him about shooting and other matters. His conduct during the evening was that of a gentleman. I was present at a review near Cromer. Mr. Windham was mounted and acted as aide-de-camp. He rode rather fast, and was not quite careful enough of the spectators, but otherwise his conduct was quite proper. In August last I gave an archery ball; Mr. Windham was invited, but did not come in consequence of his marriage.

Cross-examined by Mr. Chambers.—Mr. Windham talked rather loudly at dinner, but not so as to attract attention. The review near Cromer was not an important affair. The mounted force consisted of about half-a-score of irregular cavalry. (A laugh.) Mr. Windham was aide-de-camp to the commander, Mr. Charles Buxton, and carried his orders from one part of the field to another. (A laugh.) He did not wear a cocked hat and feathers, but he had a sword by his side. He rode at a brisk trot, and when the coast was clear he broke into a gallop. I believe the troops ultimately made a charge. (A laugh.)

MRS. VOYSEY, BOARDING-HOUSE KEEPER, ETON.

Mrs. Voysey said she had kept a boarding-house at Eton for eight years. Mr. Windham came to my house in the Easter quarter of 1855, and stayed till July, 1856. I had from fifteen to twenty boys in my house when he was there. I saw them daily, and was always present with them at dinner and supper. Windham was a decidedly noisy boy, but he was always obedient to me and treated me with respect. No complaint of his conduct was made to me personally. He associated with the other boys in the house on equal terms. I heard of his being called "mad Windham." That is a very common thing at Eton. At the present moment there are several boys called "mad." He was not extravagant, rather the contrary. After he left my house I saw him from time to time in the street, and I have seen him once since he left Eton. On that occasion his manner was perfectly gentlemanly and proper. I considered him to be peculiar, but he was decidedly a boy of sound mind. I have appeared as a witness much against my will.

Cross-examined by Mr. Chambers.—Windham was noisy and rackety in the house, but he was not in the habit of slamming doors and shouting about the passages. He was once rude to one of the servants, and was punished for it. I do not think he swore at the servant. The epithet "mad" was not one which they paid much attention to at Eton. I do not remember receiving a complaint about his doing injury to his bed. When he was in my house he could take care of himself, but I might have said that it would be advisable to have some one to look after and guide him.

Re-examined.—I have read a good deal about him in the newspapers. When I last saw him he was quite able to manage himself.

By the jury.—Windham left my house in consequence of a misunderstanding between Lady Sophia and herself. I thought he was a boy who would be easily led.

MRS. SOPHIA GIBSON, ETON.

Mrs. Sophia Gibson, examined by Sir H. Cairns, said—I was head boys' maid at Mr. Balston's one of the masters at Eton, when Mr. Windham lodged there. I never saw him at all extravagant—indeed, quite the reverse; and I heard him say he had been warned by his father not to get into debt at Eton. Lord Marsham was his most intimate friend. On one occasion Lord Marsham fell upon a knife which Mr. Windham held in his hand, but that made no difference in their friendship; it was always considered an accident. Windham was rough and rude, but nobody brought his best behaviour to school. I consider him to be of perfectly sound mind.

Cross-examined by Mr. Chambers.—Windham was not particularly noisy. I never heard him called "mad." Many boys were called "mad" at Eton, and it was generally the more clever boys who were termed so. (A laugh.) Windham was not the cleanest boy at Eton, but he was not particularly dirty in his habits. There was something peculiar in the sound of his voice, but I do not recollect seeing the saliva running from his mouth. I have seen him often with a dirty face and hands, but Eton boys are very often dirty.

Re-examined.—It often happened that the ringleader at Eton was called "mad."

MRS. COCKBURN, ETON.

Mrs. Cockburn, head boys' maid at Mrs. Drury's, in Eton, when Mr. Windham was there, said—I attended to him and looked after his linen. He played with the other boys, and always behaved like a gentleman. Many have been called "mad" as well as he. He did not get into more scrapes than the other boys. He was always full of spirits, but did not give unusual trouble. He has visited me several times since he left Eton, and always appeared like a gentleman. I believe he was as sound in his mind as I am myself. (A laugh.)

Cross-examined by Mr. Field.—Mr. Cheales, the tutor, lived in the house with Windham. The latter was not particularly rough and rude, and I never heard him speak strangely. There was nothing particular in his voice; in fact, he was in all respects like other young gentlemen.

MISS KATE ARCHER.

Miss Kate Archer, the 100th witness, examined by Mr. Karslake.—I live in George-street, Portman-square. At the beginning of the summer of 1860, contrary to my usual practice in town, I was riding in the park one morning without a servant. My horse became restive. Mr. Windham rode up, and assisted me, as any gentleman would have done, and he has often since visited me as a friend. On the 28th of September last General Windham called at my house, and I had a conversation with him.

Mr. Karslake.—What did he say?

Mr. Chambers did not know what was coming, but he submitted that a conversation between General Windham and Miss Archer could not be accepted as evidence in this case.

Sir H. Cairns maintained that he was entitled to place before the jury evidence of the conduct pursued by General Windham, one of the petitioners, during the getting up of the case against his nephew. Supposing he could prove that General Windham had either tampered with witnesses, or declared that he thought his nephew to be perfectly sane, surely that would be strictly relevant to the present inquiry.

Mr Karslake and Mr. Milward were heard on the same side.

Mr. Chambers contended that as they were not trying General Windham, but the sanity or insanity of his nephew, the evidence was not admissible.

The Master said that if he were trying General Windham for maliciously obtaining a commission of lunacy against his nephew he would admit the evidence, but as the question before the Court was the state of mind of Mr. Windham he was bound to reject it, because it would raise a collateral issue, and lead them beyond the limits of the present inquiry.

Sir H. Cairns stated that the question put to the witness was the beginning of

several which were meant to show, first, that General Windham, being one of the petitioners, had actively interfered in getting up the case and evidence to support it; secondly, that he had attempted to induce a witness, against her opinion avowed to him, to give evidence in favour of the petitioners; thirdly, that he had stated that, whatever might be the real facts as to the sanity or insanity of his nephew, he was determined to prosecute these proceedings in order to prove his nephew insane, and to obtain control of the property; and, fourthly, that Mr. Windham having stated, as appeared from Dr. Tuke's evidence, that he believed General Windham would not venture to go into the witness-box, the evidence of Miss Archer would have shown that the facts stated by her were communicated to Mr. Windham, and among other matters, naturally influenced him to make that statement to Dr. Tuke.

The Master asked Mr. Chambers whether he was prepared to take a decision in his favour, and thereby risk the ultimate issue of the inquiry?

Mr. Chambers replied in the affirmative.

The Master then decided that the evidence was inadmissible on the ground that the conduct of General Windham whether good or bad, was not the question before the Court.

MR. HENRY DRAKE, BARRISTER.

Mr. Henry Drake, examined by Mr. Milward, said I am a barrister and belong to the Norwich family of Drakes. I was with Mr. Windham at Dr. Badham's school at Blackheath. I am much older than Windham, who was about ten or eleven years of age. I saw Windham every day at meals and other times, and I thought he behaved himself much like other boys. I saw nothing to induce me to believe that he was an idiot. At that time Windham was quite as capable of taking care of himself as other boys of his age. I have been at Eton, and have known several boys and one master called "mad."

By Mr. Coleridge.—When witness was at Eton promotion was obtained by examination, and not by favour. If at Christmas, 1856, Mr. Windham was in the upper remove of the lower division of the fifth form, he must have been doing fifth form work for several months.

Cross-examined by Mr. Chambers.—Windham was a dirty boy at Blackheath.

LORD CLAUDE HAMILTON, M.P.

Lord Claude Hamilton, M.P. examined by Sir H. Cairns.—I am colonel of the Donegal Militia, which was quartered at Yarmouth in 1860. I made the acquaintance of Mr. Windham in that year. I first met him on the railway at Norwich. We were both going to Yarmouth. I happened to mention that I had spent a few days shooting at Fellbrigg in 1856. He expressed great gratification at meeting a friend of his parents. We talked for about an hour and a half, and he conversed in the most cordial, rational, and gentlemanly manner. When I knew he was young Windham I immediately watched him, because I had heard he was irregular in his conduct and fond of low company. On arriving at Yarmouth he walked with me to my hotel, and afterwards I met him once or twice in the town. In September I saw him at a full-dress ball in Yarmouth. On that occasion he was decidedly intoxicated. He recognized me and spoke to me, complaining that the young ladies would not dance with him, and I advised him to go home. He was not making any noise. I do not consider a taste for driving railway engines a proof of insanity, and such is the opinion of many who hold a distinguished rank in society. Many years ago I joined with half-a-dozen others in studying the great motive power of modern times. We attended a course of lectures of the Polytechnic, and went into the matter as thoroughly as we could. After a time we were allowed, under proper supervision, to drive engines on railways. I must say, however, that we were not permitted to experiment with passenger trains, but were restricted to ballast and coke trains. I can assure you that it requires a good deal of skill, self-possession, coolness of head, and delicacy of touch to drive a railway engine. It is decidedly an intellectual study.

By the Jury.—I do not know that Mr. Windham has gone through the same course of study as I did. If he can drive an engine—a point upon which I know nothing—he must have received instruction.

MR. BADCOCK, VALET TO MR. WINDHAM.

William Badcock, examined by Mr. Karslake, said—I am now valet to Mr. Windham. He entered his service in September, 1861. At one time he was a guard on

the Eastern Counties Railway, and on many occasions Mr. Windham travelled in my van. I have seen him on the engine with the regulator in his hand. Mr. Windham generally talked about the management and working of railways, and seemed very anxious to obtain a thorough mastery of the subject. He gave a dinner to between 30 and 40 people on Christmas-day. There was a dance in the evening. I, by his orders, sang negro melodies to amuse the company. During the evening, when the fun was at its height, Mr. Windham put on a pair of hunting-breeches, and blacked his face on the cheeks and chin, to resemble whiskers and an imperial. He remained thus for two hours. He was not noisy. The company were very merry; but there was nothing like disorder. Mr. Windham retired about a quarter past 2, and then the house was shut up.

Cross-examined by Mr. Chambers.—Mr. Windham is not a queer or an odd sort of young man. As far as conduct and behaviour were concerned, he was like others of his age. I never saw him in the uniform of a guard, but I have seen him with a belt and pouch and a common dog-whistle. Mr. Windham often blew the whistle before the train started. He did so under the directions of myself. Some of the railway officials must have seen him. He frequently told the passengers to take their seats, and called out the names of the stations. I could have trusted him with the management of a train. Sometimes he sorted the parcels in the van, and he did the work remarkably well. He never paid anything for the privilege of riding in the van, nor did he ever take champagne or any other kind of drink into it. Occasionally he treated me at the stations. On the occasion of his marriage he gave me a silver watch and guard, with the following inscription:—"Presented to William Badcock, by W. F. Windham, Esq., in acknowledgment of his civility and attention." I never saw him covered with dirt and soot like a stoker. Stoking would be a strange occupation for a young gentleman. I do not know how my master passed his evenings when in London. He lived with Roberts, in Piccadilly. Sometimes he would go out after dinner, but I always found him in his room in the morning. I did not know at what hour he returned home. I never accompanied him to the Haymarket. I blacked my face to sing the negro melodies at Fellbrigg on Christmas-day. I had a banjo, and wore a characteristic costume—a white shirt, knee-breeches, and low shoes. The coachman was dressed in the same way, and later in the evening Mr. Windham made his appearance in a similar costume and joined in the chorus, but he did not throw himself on the floor and imitate the action of swimming. The refreshments consisted of champagne, sherry, ale, and a bowl of punch. The company were merry and applauded the singing, but I did not think that the applause was monopolised by Mr. Windham. (A laugh.) Mr. Windham went to bed himself quite steadily, and rose next morning about 5 o'clock. He is now at Fellbrigg, but when in town he stayed at Morley's Hotel, having broken off his acquaintance with Roberts. I have not seen that person lately, nor have I seen Mrs. Windham to speak to her since Christmas.

Re-examined.—There is no pretence for saying that Mr. Windham was drunk on Christmas-day. He used to be fond of putting on a guard's belt, because he thought it gave him a kind of military appearance.

By the Jury.—I was not a valet before September last. The railway directors objected to my accepting the watch and guard presented to me in August by Mr. Windham, and, as they made some difficulty about it, Mr. Windham agreed to take me into his own service. My wages were £40 a year. I kept a petty cash book, and my master regularly looked over and checked the items.

Sir H. Cairns stated that there was one head of evidence which he would wish to avoid, if possible. It would be recollected that Mr. Windham, in conversation with Dr. Tuke, spoke of certain circumstances connected with the conduct of two of his uncles which led him to believe that they would not come forward as witnesses, or prosecute their petition before a jury. Nothing could well be more irksome than to adduce evidence for the purpose of showing the grounds which Mr. Windham had for believing in the truth of those statements, and he should gladly refrain from doing so if Mr. Chambers would give him an assurance that he did not intend to allege that the assertions of Mr. Windham were altogether without foundation.

Mr. Chambers was prepared to say that he would not use the statements in question as at all militating against Mr. Windham's sanity, but, he would deal with them as statements which might fairly come out of the mouth of a rational man.

Sir H. Cairns expressed himself satisfied with the assurance of his learned friend; and

The Master congratulated all parties upon having got rid of what might have been a painful and embarrassing head of evidence.

TWENTY-FIRST DAY.—SATURDAY, JANUARY 11.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day, in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. H. Williams appeared for the petitioners; Mr. Charles Russell, for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

MR. DREW, SOMERSET HOTEL, STRAND.

Mr. H. Drew, examined by Mr. Milward, said—I am now the landlord of the Somerset Hotel in the Strand. In 1859 and 1860 I kept the Royal Kent Hotel in Sandgate. Young Mr. Windham came to my house in March, 1860, and stopped about a fortnight. Mr. Horrocks was with him. I saw Mr. Windham every morning and evening, and observed that he associated with some of the officers at Shorncliffe. Mr. Windham sometimes dined at the Camp, returning to the hotel about eleven o'clock. He behaved himself very well indeed, and his conduct was not different from that of other gentlemen. I never noticed in him any indication of want of intellect, and believed him to be of sound mind.

Cross-examined by Mr. Chambers.—Mr. Windham was a very quiet young man, and his spirits were not particularly high. I never heard him shouting or blowing a railway whistle, nor was he aware of his fondness for driving railway engines. In the morning after breakfast, before he went out, he used to have a glass of sherry and bitters. I never saw the saliva dropping upon his clothes, nor did I observe the peculiar formation of his mouth until my attention was drawn to it.

Re-examined.—It was Mrs. Drew who called my attention to Mr. Windham's mouth. Even then I did not see any spittle dropping down. Mr. Windham had sherry and bitters only occasionally.

MR. CREMER, NORFOLK.

Mr. W. Cremer, examined by Mr. Karslake, said—I live at Beeston, in Norfolk. My father was a clergyman, and his property and residence are about five miles from Fellbrigg. I knew old Mr. Windham, and occasionally dined with him. The old gentleman used to tell comic tales in the Norfolk dialect, for the amusement of his friends, and he did it very well. I saw a good deal of young Windham when he was a boy. At the end of 1860 I dined with him at Fellbrigg. Mr. Peatfield was there at the time. Captain Windham and Captain Brereton were also of the party. Mr. Windham sat at the head of the table and behaved like a gentleman. The party played whist in the evening, and Mr. Windham seemed able to hold his own. I visited Fellbrigg after Mr. Windham came of age, but before his marriage—between the 10th and the 30th of August. After dinner we walked round the stables to look at the horses. Mr. Windham seemed to be quite conversant with all subjects connected with horses, and his remarks upon them were sensible and rational. I shot with him in September 1859, and on other occasions. He was a rather bad shot, but managed his gun properly and carefully. I believe him to be a man of sound mind.

Cross-examined by Mr. Chambers.—Windham had a peculiarly-formed mouth, but I cannot say that when a boy he had a particularly dirty face. He was always very noisy, and used to halloo and laugh in a loud tone. There was nothing otherwise to attract notice in his laugh. I have heard that he was in the habit of waiting at table, but never saw him doing so. I am not aware whether Windham in his boyhood had a companion of his own age. I have been told that he was in the habit of acting as a guard on railways, but thought it perfectly consistent with sanity in a gentleman of rank and property, after coming of age, to dress himself up as a guard and perform the duties of a guard on a railway. Pointing the attention of ladies to mules while staling is not gentlemanly conduct, but I cannot accept it as a proof of insanity. Windham was generally boisterous in his manner. When I was at Fellbrigg in August last Windham did not tell me that he was about to marry Agnes Willoughby; if he had, I would have advised him not to marry such a person. Old Mr. Windham could imitate the sing-song Norfolk dialect very well.

By the Jury.—Attributed Mr. Windham's boisterousness to his high spirits, and not to unsoundness of mind.

MRS. BROWN, VAUXHALL-ROAD, LONDON.

Mrs. Brown, examined by Mr. Karslake, said—I am a laundress, living in the Vauxhall-road, and washed for the Lewellins for four months from the beginning of July last. I washed Mr. Windham's things, and ascertained, from the stains upon his linen, that he was suffering from a particular disease. In consequence of that I asked Mrs. Lewellin for a larger price. I washed all Mr. Windham's things, as far as I know, and never observed his linen stained in any other way. I also washed the household linen, but did not wash any sheets stained as a child would stain them. On Christmas-day General Windham called at my house, and spoke about my having acted as laundress for the Lewellins.

The learned gentleman was proceeding to put questions to the witness for the purpose of eliciting from her the purport of her conversation with General Windham when he was interrupted by Mr. Chambers, who submitted that the questions were not such as could be asked after the decision of the Master on Friday, that matters relating to the conduct of General Windham were not relevant to the present inquiry. The objection was sustained by the Master, and the examination in chief of the witness was declared closed.

Cross-examined by Mr. Chambers.—I keep washerwomen, and wash for a good many families; some of them very large. In the summer there are sometimes fifty pairs of sheets washed in my establishment in a week. Mrs. Lewellin refused to pay extra for Mr. Windham's linen. I, at that time, washed for a good many gentlemen, and was occasionally required to do the things very quickly.

By the Jury.—Nobody besides witness washed for the Lewellins from the beginning of July to the end of October, with the exception of the second week in July, when I was unable to do the work.

MRS. PRITCHARD, MR. LEWELLIN'S SERVANT.

Mrs. Pritchard, examined by Mr. Milward.—I went to live with Lewellins as a servant on the 21st of June last, and stayed about seven weeks. I did the work of a housemaid. Mr. Windham was in the house at the time; but sometimes he went into the country for a day or two. I had charge of his bedroom, and I never saw, either in the room or in the bed, anything peculiar or unusual. I occasionally gave him his breakfast, which generally consisted of poached eggs, with sometimes a little bacon. The quantity was not greater than that served up to other gentlemen. I also collected his linen for the wash. He always behaved like a gentleman. When tipsy he talked rather loudly and laughed a good deal. I have seen him drinking after lunch, at half-past two; I have also seen him occasionally take something in the morning. He usually lunched with Mr. Peatfield, Mr. Lewellin, and sometimes Mr. Partridge. I have known them having a dozen of champagne at one lunch, and sometimes they sat till 7 in the evening. Mr. Lewellin occasionally got tipsy and abusive. On such occasions I used to hear them all laughing together. I have heard Mr. Windham imitating a cat when he was tipsy, but not when he was sober. I never saw or heard of him running along the passage naked, though I was always about the house. I have very often seen General Windham in Duke-street. He used to see Mr. and Mrs. Lewellin alone, and occasionally he saw his nephew. He generally talked with Mr. and Mrs. Lewellin in the bar-parlour or office. I have seen Mr. Lewellin giving Mr. Windham his account-book. On one occasion I heard Mr. Windham cry out to Mr. Lewellin, "Come here, old fellow, what is this? You are sticking it on too strong." Mr. Lewellin took the book, and, I suppose, rectified it. During all the time Mr. Windham was in the house he conducted himself in the same way as other gentlemen, and I believe him to be a person of sound mind. About ten weeks ago Mrs. Lewellin came to me in a cab by herself. I was then at work in Eccleston-place. Mrs. Lewellin said to me, "You know that Mr. Windham used to dirty his bed and run about the house naked when you were with us." She then asked me to go to her house and see the General and tell him so, in return for which she said he would do something good for me and my husband. I refused, whereupon she said she would bring a gentleman down on Friday and make me go. Nothing more passed then, and she went away. She returned with Colonel Broughton, whom she used to call her "baby," a few days afterwards. They came in a cab. Mrs. Lewellin said, "You must come to my

house to see the General, for Mr. Windham has been and married a bad woman and squandered all his fortune, and we want to do what we can in it for the General." She also said that the bad woman was going to bring Mr. Windham a child, and the thing must be done quickly. I told her I would not go to the house, and she went away. Colonel Broughton heard the conversation. Mrs. Lewellin called again, but I did not see her. She came a fourth time with another gentleman and wished me to go to her house and see the General and tell him that I had seen his nephew running naked about the house. I told her that I had never seen or heard of such a thing, and that I would not go. She then said it would be the making of me and my husband, as the General had a great many offices into which he could put us, if I would go. I still refused. Nothing more passed, I have not seen Mrs. Lewellin since. I never told her that I had seen Mr. Windham running naked down the passage. On one occasion, I heard Mrs. Lewellin say to her husband, "You are sucking the poor boy dry, and while he has any money left you will stick to him." That was after I had been in Duke-street, about a month. When Colonel Broughton was in the cab, Mrs. Lewellin wished me to tell the General that Mr. Windham was a great gorgier and had eaten 17 eggs for breakfast. I told her that was not true, and refused to say anything of the kind.

Cross-examined by Mr. Chambers.—Mr. Windham's linen when sent to the wash was as clean as any other gentleman's. His sheets were changed once a fortnight. I was first examined on Mr. Windham's side about three weeks ago. The gentleman who came to me was Mr. Hunt, a solicitor; he saw me in Eccleston-place, where I was working as a charwoman. My husband is a bookbinder, but he is in ill-health and does not work at his trade. He does porter's work, and is an auxiliary in the Post-office. Mrs. Lewellin had not employed me before July last. I was recommended to her by the lady in Eccleston-place. Mr. Windham and Mr. Peatfield were in Duke-street when I first went. Except when he was drunk I never saw in Mr. Windham anything different from other gentlemen. He was sober in the morning, but generally tipsy in the evening, and then he would laugh and talk with Mr. Peatfield, Mr. Lewellin, and occasionally with Mr. Partridge. Sometimes he went out in the evening, and I do not know at what hour he returned. I heard caterwauling several times, and was told it was Mr. Windham, but I did not see him. Mr. Peatfield was always very quiet over his drink, but Mr. Partridge showed he was tipsy by laughing and making fun. I was never in the room when they were in this state, but I heard them. Such junketings took place three or four times a week. I do not remember the precise day on which they drank a dozen of champagne at lunch. I assisted to carry the empty bottles down stairs. The party on that occasion consisted of Mr. Windham, Mr. Lewellin, Mr. Peatfield, Mr. Partridge, and a clergyman named Baty. The clergyman talked a good deal and was as merry as the rest. I saw them through an open door as I passed up and down stairs. When the same gentlemen came together at lunch they generally indulged in this way, and they would not separate until five, six, or seven o'clock in the evening. The imitation of the cat was done very well. I have heard Mr. Windham shouting in the room with the window open. I never heard him singing "Old Bob Ridley," but I have heard him cry out to Mr. Lewellin, "Well, old fellow, we have been very jolly together." I never heard him even allude to "Old Bob Ridley," nor did I ever hear him sing something about a "haughty ruffian," ending with "Pop goes his Weasand!" Mr. Windham did not eat more eggs at breakfast than Mr. Peatfield. He generally breakfasted in his dressing-gown and took his bath after breakfast. Mr. Lewellin prepared the bath, and then Mr. Windham would go in and lock the door, like other gentlemen. I last saw him tipsy about the end of July. He got tipsy in the house. He laughed rather loudly, but I never saw him blowing a railway whistle. I never heard that he had a guard's dress and was fond of driving railway engines; nor did I ever hear him yelping like a dog. He had a peculiar voice, and when he was talking quickly he would slobber at the mouth, but he always used his pocket handkerchief. When I told Mrs. Lewellin that Mr. Windham was not in the habit of dirtying his bed she said, "Oh, I used to change the sheets before you went up to make the bed." I replied, "You never did anything of the sort; you never helped me or meddled with any of the gentlemen's beds;" and I refused to go and see the General. Colonel Broughton was present and must have heard the conversation. All the conversations which Mrs. Lewellin had with me, whether in the presence of Colonel Broughton or alone, were pretty much alike. The last time I saw her she was accompanied by Mr. Wood, clerk to Messrs. Field

and Roscoe, the solicitors for the petitioners. She said, "I have brought a gentleman, as I said I would, about Mr. Windham dirtying his bed and eating 17 eggs for breakfast. You know he used to dirty his bed, ran about naked, and go down into the kitchen and sit on the table." I replied, "He did not go into the kitchen without Mr. Lewellin persuading him to go." I was then called away to my work, and Mrs. Lewellin, referring, I suppose, to the lady who had called me, said, "You are the most uncivilised lot of people I ever knew." I do not recollect at the present moment anything more that passed. Mr. Wood took notes of the conversation. Mr. Windham has made an attempt to kiss me more than once when he was tipsy. He always did so in the hall, and never in a bedroom. He laughed when he attempted to kiss me, and would run away quickly. I tried to slap his face, but he was too swift for me. He did not handle me roughly, nor was he boisterous.

Re-examined.—There was almost always champagne at lunch. Mr. Peatfield was generally present, and his friends, Mr. Partridge and Mr. Baty, when they came.

By the Jury.—I never found Mr. Windham's bed made as far as the under sheet. While I was in Duke-street Mr. Windham's linen, when it went to the wash, was not stained in such a way as to warrant an extra charge by the laundress.

By the Master.—When Mr. Windham ordered dinner he was very punctual to the time. I never knew of an instance of Mr. Windham ordering a dinner for a party of guests and nobody coming. Mrs. Lewellin never touched the beds. She said to me in Eccleston-place, "You must keep all this very quiet." On one occasion I heard Mrs. Lewellin say to her husband, "It's a shame for you to encourage that boy to drink; you are old enough to be his father." It was then she said he would stick to Mr. Windham as long as he had any money left. Mr. and Mrs. Lewellin used to quarrel and use bad language to each other, and they did not care who heard them.

MRS. BROWN, RE-CALLED.

Mrs. Brown, the laundress, was re-called.—She stated that she applied to Mr. Lewellin for an extra price for washing Mr. Windham's linen in August last; and not before.

SARAH BROWN, LEWELLIN'S COOK.

Sarah Brown, examined by Mr. Milward, said: I went to the Lewellin's as cook on the 24th of June last, and stayed till the 26th of July. Mr. Windham was there at that time. His breakfast commonly consisted of two poached eggs, with brown bread and butter. He sometimes had a little bacon. I never cooked for him seventeen eggs or anything like it. He was in all respects like other gentlemen. Once on returning from the country he presented a tea urn and a cruet-stand to Mrs. Lewellin. At other times he brought up game, fruit, vegetables, and flowers. They used to have a good deal of wine at lunch, generally champagne.

Cross-examined by Mr. Chambers.—Mr. Windham sometimes went down to the kitchen, but not often, chiefly for the purpose of asking me to be punctual with his lunch. He was fond of joking, but I do not recollect any of his jokes. He was not a very loud laughter. I would not say that Mr. Windham has not kissed me, but he never did so more than once. I neither slapped his face nor threw the dripping over him. On one occasion Mrs. Pritchard told me that Mr. Windham had taken hold of me and kissed me. I do not believe that I ever sent more than two eggs up to Mr. Windham or Mr. Peatfield for breakfast. I do not know whether Mr. Windham is a large or a small eater, nor can I say whether, when he had gentlemen to lunch or dine with him, they all got drunk together. I was never in the dining-room, but if they had made a very great noise I think I must have heard it. I never saw Mr. Peatfield drunk, but on one occasion I was told that Mr. Windham was tipsy.

Re-examined.—I do not know what went on upstairs at lunch; my work was in the kitchen, and I seldom left it.

By the Jury.—Mr. Windham could not have been drunk three or four times a week and made a noise in the house with his friends without me knowing it. Such, at least, is my opinion; but all I can say for certainty was that I never saw him drunk.

By the Master.—I have seen as many as a dozen champagne bottles coming down from one lunch. I never cooked a dinner for Mr. Windham when nobody came. During my time Mr. Windham never gave an order for a dinner party.

I left Duke-street because the place did not suit her, and also because I had a quarrel with Mr. Lewellin, who was most abusive and insulting in his language.

CATHARINE BABBAGE.

Catharino Babbage, examined by Mr. Karslake, said—I went to the Lewellins' as housemaid on the 1st of April, 1861, and stayed till the latter end of June. It was my duty to make up the beds and clean the apartments every day. I never found Mr. Windham's bed in a dirty state. Mr. Windham, as far as I saw, was always gentlemanly and respectful to every one. He used to laugh and talk merrily, like other young gentlemen of his age, but beyond that I never heard any noise which he made. He was always very clean and particular about his linen and dress. He went out on horseback from 12 till 2 o'clock every day, and he sometimes drove a phaeton. Mrs. Lewellin used to try to be familiar with Mr. Windham, but he always repulsed her, and, therefore, it is not surprising that she should always speak ill of him. I saw General Windham in Duke-street once. He spoke to his nephew, and I heard him tell him in a loud voice that if he was not home by 11 o'clock every night he would get the police to follow him. That was about three weeks before I left. I left of my own accord, and gave Mrs. Lewellin notice three times before she would allow me to go away. It is not true, upon my oath, that Mr. Windham or any other gentleman ever took indecent liberties with me.

Cross-examined by Mr. Chambers.—Mr. Windham kissed me once in the presence of Mrs. Lewellin, who seemed pleased at it. Mrs. Lewellin was not jealous of me with Mr. Windham, but I believe she was jealous of me with Colonel Broughton, though there was not the slightest foundation for it. I have seen Mr. Windham stupid from drink on many occasions, and once I saw him much intoxicated. It was about the middle of the day; I do not think he had slept at home the night before. He was not noisy, but merry, singing "I wish I was with Nancy." I never heard him try "Old Bob Ridley." He had not a musical voice, but liked to hum about the house. I did not find that he was a good mimic. He laughed merrily, just as if he enjoyed the laugh, but there was nothing particular in it. Mrs. Lewellin never complained that I was too familiar with Mr. Windham. One afternoon, when Mrs. Lewellin and Colonel Broughton had, as usual, gone for an airing in a cab, Mr. Lewellin sent me upstairs with two pairs of slippers for Mr. Windham. I did not go into Mr. Windham's room, but knocked at the door, and told him what I had for him. He said he did not want two pairs of slippers; one would do. At that moment Mr. Lewellin came upstairs in a great rage, charged me with being too familiar with the gentlemen in the house, and called me by the grossest names. I left in consequence shortly afterwards. I have a distant relation named Yates now in the service of Mr. Windham; but he was not recommended by me.

Re-examined.—There was no pretence whatever for saying that I was too familiar with the gentlemen in the house. Mr. Lewellin frequently abused me, and his language to every person in the house, his wife included, was of the most disgusting description. When I left Duke-street I returned to a former situation, and am there now.

MR. H. SHAPPIS, SERVANT TO LEWELLIN.

Henry Shappis, a Frenchman, examined by Sir H. Cairns, said I was servant at the Lewellin's from August last till a few days ago. I waited upon Mr. Windham at breakfast, lunch, and dinner, and slept in the house. Mr. Windham was very polite, and his manner at meals and at other times were those of a gentleman. He did not make more noise than other people.

Cross-examined by Mr. Chambers.—I left Duke-street in consequence of a quarrel with Mr. Lewellin. About a fortnight ago Mr. Lewellin asked me to give evidence against Mr. Windham, and told me I should be a good witness. I replied that I had nothing to say against Mr. Windham. Mr. Lewellin then asked me whether I thought Mr. Windham could manage the affairs of his own house. I replied that in my country gentlemen of fortune did not manage the affairs of their own houses, but had men of business for the purpose. I stated, however, that in my opinion Mr. Windham was able to manage his affairs, and that I had never observed anything strange about that gentleman.

Re-examined.—Mr. Lewellin asked me again whether I thought Mr. Windham was mad. I replied that I did not think he was. Mrs. Lewellin then whispered something in a low voice to her husband, and nothing more was said at the time.

but Mr. Lewellin abused me every day afterwards, calling me a French thief, and other names too bad to be repeated, and at last struck me and turned me out of the house. I have since applied for a summons against Mr. Lewellin, but the magistrate has refused to grant it until the Windham case has been concluded.

The inquiry was again adjourned.

TWENTY-SECOND DAY.—MONDAY, JAN. 13.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed Jan. 13th, in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karlake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

MR. G. YONGE, PRIVATE TUTOR.

Mr. G. Yonge, examined by Mr. Karlake, said—I was Mr. Windham's private tutor at Eton from January to March, 1855, and lived in the same house with him. Windham was in the middle remove of the fourth form, and did *Ovid* and *Cornelius Nepos* in Latin, *Æscop* and *Farnaby* in Greek, and a few verses every week. He did his work like the average of boys, but was not very studious. I saw nothing in him which induced me to think he was not of sound mind.

Cross-examined by Mr. Chambers.—Windham, though not particularly cleanly, was not dirtier than the boys in the fourth form generally. I never noticed the saliva flowing out of the sides of his mouth, or heard that he was treated as a buffoon by the other boys. I knew, however, that he was called "Mad Windham," but I do not know how he came by that name.

By the Master.—I did not see much of Windham, except in the evening, when I assisted him with his lessons for school.

By the Jury.—Windham was always well supplied with money. I was not aware that he ever got into debt.

MR. INGRAM, TEACHER.

Mr. Ingram, examined by Mr. Milward.—I was the French and mathematical master at Mr. Westmacott's school, in Feltham. Mr. Windham was there for about three years, beginning in 1850 or 1851. I taught him French, arithmetic, and English. He did the same lessons as other boys of his age, and he had an average capacity.

Cross-examined by Mr. Chambers.—Windham was rather good at French. He did not speak the language fluently, but he was well up in *Ollendorff*, and could translate like the other boys. He did arithmetic very well, as far as fractions and decimals. He was not the most brilliant boy in school, but there were several worse. He was not passionately fond of study, but he did as much work as he was obliged to do. Upon the whole, however, he did not profit so much by the instruction he received as some of the other boys, because he was not so assiduous as they were. I have checked other boys as well as Windham for the same reason.

MR. BARNES, WINE-MERCHANT.

Mr. Barnes, examined by Mr. Karlake.—I am a wine-merchant in Lincoln's-inn-fields. I know Lewellin. That person was never connected with me as a commission agent.

A discussion here took place as to whether evidence could be adduced for the mere purpose of discrediting a previous witness. Counsel were heard on both sides, but eventually the Master, without deciding the question one way or the other, induced Mr. Karlake not to press the matter further. Mr. Barnes was accordingly told to stand down.

MR. CHOARD, SOLICITOR'S CLERK.

Mr. J. Choard, examined by Mr. Milward.—I am a clerk in the office of Mr. Chappel, solicitor, Golden-square. Last summer a suit was brought in the County Court against Mr. Windham by his groom. Mr. Windham was examined for twenty minutes, and gave his evidence reasonably and intelligently. The decision was in his favour. The suit involved the question of accounts. Mr. Windham discussed the items one by one, and those he objected to were disallowed.

Cross-examined by Mr. Chambers.—I have written no letters for Mr. Chappel in

the matter of the petition, but I attended before the Lords Justices on behalf of Lady Sophia. I never made a proposal that Lady Sophia should join in the petition. Mr. Lewellin accompanied Mr. Windham to the County Court, and took some part in the proceedings.

Eliza Sophia Dignam, examined by Mr. Karslake.—I am a sister of Mrs. Lewellin, and was in the habit of visiting her in Duke-street at the time Mr. Windham was living there. The first visit I made was in March, 1861, and I stayed till the 4th of June. I returned two days before Mr. Windham was married. Occasionally I had gone in the interval and stayed for the night. Afterwards I usually visited my sister two or three times a week. While I stayed with her I assisted in making the beds every day, and I have waited upon Mr. Windham at breakfast and luncheon. His conduct towards me was most gentlemanly. I never saw anything wrong with him, nor did I ever notice anything unusual or peculiar in his bedroom. Mr. Windham had a good appetite, but nothing exorbitant. I have remained in the room and seen him eat his breakfast, which commonly consisted of a little bacon, two eggs, or a mutton chop. At breakfast he used to read the *Times* and discuss the news with me or any one else who happened to be in the room. I have heard Mr. Windham sing and whistle, but you could not call him noisy—only merry. In October I went with Mrs. Lewellin to the office of Mr. Field, the solicitor to the petitioners. I did not know the nature of her business. A gentleman took down my sister's evidence. General Windham came in three minutes after we had arrived, and remained the whole time. I had seen him in Duke-street—once before his nephew's marriage, but a dozen times after. The last time I saw him there was on Colonel Broughton's birthday, the 25th of October. Colonel Broughton gave a dinner, and his guests were General Windham, Mr. Liberty, the wine merchant, Mr. and Mrs. Lewellin, and myself. We were in Mr. Field's office for an hour and a-half or two hours. I heard the statement made by my sister, and, to the best of my belief, it was entirely false. After she had made it General Windham thanked her, said he was highly delighted with her, and extremely obliged to her. I left the office with my sister. When we got outside I said, "Oh, Augusta, what lies you have been telling!" She replied, "Windham never did like me, I wonder what he will think of me now. I have given it him pretty strong, I think, and his lady-love too." Nobody asked me to give evidence when I was in the office. Mr. Field did not say in my presence that he would not trouble me for my evidence—one witness would be enough. General Windham said, referring to me, "This little woman would say what she knows, but I have never asked her what it is; she is also very nervous, and I am afraid she would break down in cross-examination." I have not slept in the house in Duke-street since that occasion. Up to that time I do not remember having any quarrel with my sister.

Cross-examined by Mr. Chambers.—One evening last summer I went to Cremorne-gardens, accompanied by two little girls, and a gentleman who said his name was Roberts, and he lived in Piccadilly, offered to drive me home in his brougham. He said, "Oh! what pretty eyes you have; I could see them half a mile off." I replied, "What a pity Simpson does not know it; he might save his gas." (A laugh.) Roberts stayed with me about five minutes and then went away. I have seen him with his brougham in the street, but I never called at his house in Piccadilly except once, when Mrs. Lewellin took me there on business of her own. One of the girls I had at Cremorne was about eight years of age and the other about 14. The former was staying with me on a visit at the time, and the latter was the daughter of a neighbour. I was then and am now living in apartments in Pimlico, which had been taken for me by my sister. She paid the rent for some time, but she has long ceased to do so. I have no income of my own and am supported by kind friends. I had a quarrel with the Lewellins in 1860 about an I O U for £30. I sued him in the County Court and got the money. Some time after I wrote a letter to Mr. Lewellin asking forgiveness. I was then living with my brother Conway in Fulham-fields, and was very ill-off. It was after that letter was written that my sister took apartments for me and sent me to a finishing school. Conway and I have never made a disturbance in the house in Duke-street. My brother often visits me. I knew that he was very ill-off last autumn, but I was not aware that he begged in the streets. He came to the court with me to-day, for I am so frightened to walk alone, as the Lewellins are always after me.

Re-examined.—They have followed me ever since this trial began. I asked

orgiveness from Mr. Lewellin in 1860, because I had said things to him in a passion which I ought not to have said, and I wanted to be friends again. My sister has addressed many affectionate letters to me since.

Mr. Karslake wished to put in those letters, but Mr. Chambers objected, and, as they turned out to be the same letters which the Court refused to allow Mrs. Lewellin to be examined upon some few weeks ago, on the ground that they were quite irrelevant to this inquiry, the objection was sustained.

CONWAY DIGNAM, BROTHER OF MRS. LEWELLIN.

Conway Dignam, examined by Mr. Milward.—I am a brother of Mrs. Lewellin. Some time ago I met her in St. James's-street. She said to me, "Ah! Conway, what are you doing?" I replied, "Nothing at present." She said, "I know of a capital thing for you. Did ever you hear of young Windham?" I replied, "I have a faint recollection of the name." She said, "Well, his uncle the General is going to bring him in mad, and if you would come forward on the General's side and state this, it would be the making of you, and you would not require a situation." I replied, "How can you ask me to state such a thing when you know that I know nothing of young Mr. Windham or the General either?" She said, "You know as much as most people. What I shall want you to say is this, that you lived in Duke-street as clerk, and waited upon Mr. Windham, and had ample opportunities of seeing his conduct." I replied, "I shall do no such thing. How can you ask me to come against a young man and put him in a mad-house when I know nothing at all about him?" She said, "You are very foolish. It is the General will have the money, not young Windham. You don't think that I am working for nothing do you?" I replied, "I shan't come and forswear myself in any court for you, or twenty Generals. I would sooner remain in my present position than injure a young man I know nothing about." She said, "If you don't comply with my wishes you may do what you like. What does it signify if you do bring in young Windham insane? It will not injure you, but it will be the making of you." I then left her. I have seen Mr. Windham walking, riding, and driving, but I do not think I have ever spoken to him in my life. My sister did not know whether I was acquainted with Mr. Windham or not. I have never been in her house in Duke-street in my life, and, of course, I never acted as clerk there.

Cross-examined by Mr. Chambers.—I have been living for about a week in the Westminster road, but do not know the number. I am supported by my friends. I am out of a situation, but am endeavouring to get one every day. I have been out of a situation ever since my mother's death about two years ago. Before that event I was in several situations. The last place I had was in Lime street, where I was head clerk to a general merchant, with a salary of 15s. a week. (A laugh.) My mother was a lady of independent means, and being the youngest child I was selected as the one to stay at home with her. I read, wrote, and rode with her up to the time of her death. I have lately earned some money by writing and copying, for I am a moderate scholar, but not enough to keep me. I have not worked upon any of the papers in this case. Nobody asked me to give evidence. I went myself to Mr. Gregory, the solicitor for Mr. Windham. The conversation with my sister in St. James's street took place in October. I have corresponded with her since, asking her to say to the police that I had lived with her for six months, in order that I might be enabled to get a conductor's license. I never lived for six months with her, but she had told me she would do what she could to get me a situation, and would recommend me anywhere for honesty, sobriety, and industry. She has not spoken to the police.

Re-examined.—I have been so reduced that I would be glad to accept the place of a conductor. I have tried everything I could to get a situation, but have failed. My sister did not answer my letter. I went to Mr. Gregory voluntarily, in consequence of a false statement made by Mrs. Lewellin about Eliza Sophia, whom I know to be a good, virtuous, young woman. I was not in Duke-street on Christmas-day, and did not make a disturbance. I was at Brixton the whole of the day.

By the Jury.—I got £60 at my mother's death, and I have a sister in America who sends me a little money occasionally. I got £3 from her by the last mail. My mother had ample means, but they died with her. I was in court when Mrs. Lewellin said she had met me in the streets ragged and begging. She gave me some clothes afterwards, including those I now wear.

By the Master.—The statement made by Mrs. Lewellin when she was examined

about the conversation in St. James's-street was totally false. I have taken out a summons against Mr. Lewellin for an assault committed upon me in the Burlington-arcade.

MR. HILL, BANKER, NORWICH.

Mr. Hill, examined by Mr. Milward.—I am the manager of the Crown Bank in Norwich, and know the Windham family. In 1860 Mr. Windham borrowed £20 from the bank, and in August last year he opened an account. The first sum paid into his credit was £908 14s., and the second and last £1,000. From time to time he drew checks against the amounts paid to his credit. Sometimes he drew them in the banking-house. There is still a small sum to his credit. I had no suspicion that there was anything wrong with his mind. He talked rationally and sensibly.

Cross-examined by Mr. Chambers.—The balance remaining to his credit was about £17. His largest check was for £300. One drawn in favour of Mr. Bowen May was for £200, and was dated the 29th of August, 1861. Another, dated the 5th of November, was drawn in favour of Mr. Barnes, a publican in the Haymarket, and was for £15 5s. A third was dated Fellbrigg, October 27, 1861, and the sum (£139) was payable to James Roberts. A fourth, dated October 28, was for £300, and was drawn in favour of Mrs. Windham. On the back were written the words, "In exchange for money, Agnes Windham." Another check, drawn on the same day, was also in favour of Mrs. Windham, the amount being £157, and it was endorsed "J. P. Davis." One dated November 1, 1861, for £100, was endorsed on the back "Lawrence and Fry." There were 24 checks in all. I have no private acquaintance with Mr. Windham.

By Mr. Coleridge.—The check endorsed "J. P. Davis" was paid through the Bank of England.

MR. KEMP, RYDE.

Mr. Kemp, examined by Mr. Milward: I am the proprietor of the Esplanade Baths at Ryde, and have a house adjoining, which I let out to lodgers. Mr. Windham lodged with me in April, 1860, for three weeks; and again in May, 1861, for nearly a fortnight. He was in the habit of bathing every morning, and was particularly cleanly in his rooms. I believe him to be of sound mind.

Cross-examined.—Mr. Windham was a very sober man. What I mean by his being particularly clean in his rooms was, that he used to fold up his things and put them on a chair. I never noticed anything particular about him.

Mrs. Kemp, the wife of the last witness, corroborated his evidence. She said Mr. Windham behaved like a gentleman, and gave no trouble or annoyance whatever.

By the Master.—I have heard Mr. Horrocks speak unkindly to Mr. Windham. They did not seem to be on good terms. In 1861 the tutor was Mr. Peatfield; he agreed very well with his pupil.

JEAN SOUNEY, WAITER, PARIS.

Jean Souney, a waiter in the Hôtel Meurice, Rue de Rivoli, Paris. Mr. Windham came to the hotel at midnight on the 31st of August last, accompanied by Mrs. Windham, her sister, and a man and a maid servant. The party stayed ten or twelve days. They had a suite of apartments on the first floor, and dined at the *table d'hôte*. Mr. Windham had a bath every morning. There was nothing unusual in the conduct of any of the family. They rode about during the day and went to the theatre in the evening, just the same as other people.

Cross-examined.—Mr. Windham seemed to be very fond of his wife, but she did not appear to care so much for him.

MR. CONNOR, PRIVATE TUTOR, TORQUAY.

Mr. Connor, a private tutor, Torquay:—I knew Mr. Windham and have frequently conversed with him, and I think him to be a person of sound mind.

Cross-examined.—I have seen Mr. Windham only once since 1858. I never saw him acting as a linkboy and lighting people to their carriages.

By the Master.—The last time I saw Mr. Windham was on the 18th of last month. I met him accidentally in Palace-yard, and said I supposed it was an anxious time for him, and asked him how he thought the case was going on. Mr. Windham replied that he was not making himself very miserable, and that he had no doubt about the result. He seemed to be in good spirits.

The inquiry was then adjourned.

The jury intimated in writing their unanimous opinion to the Court that Counsel should not be present at their interview with Mr. Windham, but no final decision was come to on the matter.

TWENTY-THIRD DAY.—TUESDAY, JAN. 14.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

THE MASTER.

I am sorry to say that I have been informed by several jurymen that they are very ill, and that nothing but a strong sense of public duty would have induced them to disregard the advice of their medical attendants, and to leave their homes to-day. The present is the 23rd day of the inquiry, and the jury are naturally anxious to know when the case will be concluded. For my own part, I can do nothing but rely, which I do implicitly, upon the discretion of counsel, and I would advise the jury to hear the case to the end with that tranquillity and patience which they have manifested hitherto. If I had endeavoured to interfere with the petitioners in any way, they would probably have said that they were not allowed to lay their case fairly and fully before the jury. I have not so interfered, and it appears to me that I would be acting most unjustly if I were to place any restrictions upon Mr. Windham and his advisers, who have an equal right with the petitioners to a fair and ample hearing.

Mr. Chambers.—Something has been said elsewhere about the cross-examination of the witnesses for Mr. Windham. All I have to state upon that point is that if I were not to cross-examine the witnesses as they appeared in the box I should probably be obliged, when the time came, to address the jury for four days. I think it better in order to save time, to deal with the defects in the evidence as they arise.

Mr. Milward.—As the representative of Mr. Windham, I have to make only one or two observations. It will be recollected that the case for the petitioners occupied twelve days. Up to the present time only eight days have been devoted to the defence of Mr. Windham.

The Master.—More than that. This is the twenty-third day of the inquiry.

Mr. Milward.—I meant to say that the evidence for Mr. Windham has occupied only eight days, the other two days having been given to the speech of Sir Hugh Cairns.

The Master.—Yes, but that speech was part of your defence.

Mr. Milward.—I must remind the Court that the inquiry extends over the whole of Mr. Windham's life, and that it is more difficult to answer a proposition than to state it. However, I have much pleasure in announcing that the whole of the remaining proof has been carefully sifted and weeded, that every piece of evidence has been withdrawn which can be omitted with justice to Mr. Windham, and that in future not a single moment of time will be wasted. I am not without hopes that in a day or two the advisers of Mr. Windham will be enabled to close their evidence.

The Master.—I am glad to hear the remarks of Mr. Milward, and think the jury cannot do better than trust to the discretion of counsel. I am sure that all parties must be anxious to conclude the case as soon as possible.

SIGNOR CAMPANA, TEACHER OF MUSIC.

Signor Campana, interpreted by Mr. Albert.—I am a composer and teacher of music, and reside in Westbourne-place, Eaton-square. In 1857 I was living in Torquay, and was on terms of intimacy with Lady Sophia Windham and her son, the subject of the present inquiry. On one or two occasions Mr. Windham pulled me gently by the whiskers by way of joke—*pour s'amuser*—but he never pushed me against the wall, or did anything to give me offence.

MR. MURRAY, IRONMASTER.

Mr. Murray, examined by Mr. Milward.—I am an ironmaster, in the neighbourhood of Glasgow. I have been for several years a director of the Gartnavel Lunatic Asylum, near that city. In August, 1858, I was travelling with two of my daughters



MR. KARS LAKE, Q C.

in the Highlands. I met Mr. Windham during the course of the journey, and we travelled by the same route for one or two days. I conversed with him upon the ordinary topics of the day. Mr. Windham was a rollicking, thoughtless, free-and-easy young man, boisterous in his manner sometimes, and fond of fun, like a boy fresh from school; but I saw in him no indication of insanity.

By the Master—There was a tutor with him, but they did not seem to associate much on the journey.

MR. ANDREWS, FARMER.

Mr. Andrews, of Rimpton, Somersetshire.—I became acquainted with Mr. Windham in the summer of 1857. Mr. Windham was then a pupil with the rector of Rimpton. I know him intimately, and have often had him at my house. The acquaintance continued till Mr. Windham left, in the latter part of 1858. At first I had rather a prejudice against him for his appearance and manners, but afterwards I changed my opinion of him. Mr. Windham has high animal spirits, and is very open and unreserved. He is affectionate to those who treat him with kindness, and on one occasion he acted kindly and benevolently to a poor parishioner. There is nothing ungentlemanly or unbecoming in his conduct. He occasionally drove out Mrs. Andrews and her daughters. Before he left in 1858, he made a proposal of marriage to one of the young ladies. Subsequently a correspondence took place on the subject between Mr. Windham and myself, but the result was that the proposal was rejected on the ground of the extreme youth of the parties. I had no other reason for refusing my assent to the proposed marriage. Lady Sophia, when appealed to on the subject, concurred in this decision. There were no personal reasons, intellectual or otherwise, which induced me to reject the proposal. I thought that the obvious faults of Mr. Windham—openness and unguardedness—would disappear as he advanced in life, as they were only such as were frequently observable in boys of his age. It never crossed my mind that Mr. Windham showed any indication either of imbecility or of insanity.

Cross-examined.—Mr. Windham did not tell me at any time that he had proposed to other young ladies.

SIR W. FOSTER; SOLICITOR, NORWICH.

Sir W. Foster, a solicitor in Norwich: I was professional adviser to the late Mr. Windham, who was rather hasty and choleric in temper. I had the stewardship of the Windham estates for 40 years. I have known young Mr. Windham from his birth. After that gentleman came of age I wrote to him to say that I should be glad to be continued in the stewardship. Mr. Windham did not reply by letter, but he met me shortly afterwards in Norwich, and said to me, "Of course, old fellow, I should not dream of taking the manors away from you, and I beg you will continue to act as usual." On that occasion we talked together for a quarter of an hour. Mr. Windham spoke of his marriage, and invited me to Fellbrigg to be introduced to his wife. I did not go. I have transacted business with Mr. Windham, and believe him to be a person of sound mind.

Cross-examined.—Mr. Windham wanted a good deal of assistance, but he was perfectly sound in mind. He knew nothing about his estate, like hundreds of other young men, but he was perfectly competent to manage it with help. I never said he was incompetent to manage his affairs. I absolutely declined to be introduced to Mrs. Windham, because, as I told Mr. Windham, I understood he married a person of not very good character, and I did not want to make her acquaintance. Mr. Windham replied, "I assure you she is a lady." I said, "I must have something more than your *ipse dixit* on that subject," and I added that if Mr. Windham could refer me to any authority for satisfaction upon the point I should be delighted to do my best to set him right with the county. Mr. Windham repeated that his wife was a lady, and so the subject dropped. I knew that Mr. Windham did not always speak the truth, but I cannot say that his falsehoods were causeless or objectless. Mr. Windham had no idea of the value of his timber, and he required the assistance of a person who would manage his estate, or teach him how to do so himself. He had had no education at all, nobody to teach him, no opportunity of learning the value of his timber, or how to manage his estate. I do not recollect saying "Windham cannot be guided; nobody can hold him;" but I might have said so, meaning simply that Mr. Windham was a wild boy. I do not believe that in four years £20,000 worth of timber could be cut down at Fellbrigg without damaging the ornamental character of the park. Mr. Windham never consulted me about

selling off his timber. I do not think he feels conscious of his ignorance of the value or management of his property.

Re-examined.—I never had any means of testing the knowledge of Mr. Windham about the value of his timber; in fact, I never talked to him about his property, and the opinion which I expressed upon that point in cross-examination was formed upon what I had read in the newspapers. I believe that Mr. Windham is quite capable of being taught how to manage his affairs, but he would require more teaching than most other young men. He was always, as it seemed to me, a difficult young man to hold together. £40,000 worth of timber might without injury be cut on the Windham estates, including the devised property. The marriage of Mr. Windham caused a strong feeling against him in the county.

By the Jury.—When I said that Mr. Windham had no education, I meant in the management of property. Old Mr. Windham was quite competent to manage his affairs. Young Mr. Windham is below par; but I do not believe him to be an idiot or a lunatic. His marriage has been his ruin, but if he had fallen into better hands he would have got on very well. It is impossible to account for many things in his conduct, but I believe his marriage, the unusual terms of the marriage settlement, and his getting into debt to the extent of £30,000 in four months to be consistent with sanity. Young men do strange things in love; and, besides, Mr. Windham is a person easily persuaded by others.

MR. BRUCE.

Mr. Bruce, residing in Westbourne-terrace: I met Colonel Bathurst and Mr. Windham at Baden Baden in 1859, and travelled with them for ten days or a fortnight in the Black Forest. I believe Mr. Windham to be a person of perfectly sound mind.

Cross-examined.—Mr. Windham was uneducated, uncouth in his manners, and more like a groom than a gentleman. On one occasion, when he was misbehaving himself, Colonel Bathurst knocked him down, and he blubbered like a child. Mr. Windham called Colonel Bathurst “a — aristocratic humbug.” The Colonel told him that if he repeated such language he would knock him down. Windham did repeat it, and the Colonel knocked him down. He was in the habit of using coarse and filthy language and of laughing rather loudly.

Re-examined.—Windham called Colonel Bathurst “a — aristocratic humbug” because the Colonel had expressed his displeasure at Windham imitating his style of walking.

MR. LAWRENCE, TIMBER BROKER.

Mr. Lawrence, examined by Mr. Karslake.—I am in partnership with Mr. Fry. We carry on the business of timber-brokers in the city of London. I have known Mr. Roberts for many years as a person connected with the timber trade. Mr. Fry, my partner, is a cousin of Mr. Gurney, of Gurney, Overend, and Co. I believe Mr. Roberts has been concerned in Government contracts for timber. He introduced Mr. Windham to me in the first or second week of October last. Mr. Windham said he had some timber to sell, and asked me if we were in a position to purchase it. He said he was very short of money, and asked me to examine a paper of conditions. I did so, and then told him I would go into the matter, and I had no doubt we would purchase the timber. I afterwards went down to Fellbrigg, but before leaving town I had a second interview with Mr. Windham on the subject. I went to Fellbrigg on the 24th October. Mr. Fry accompanied me. I had previously seen Mr. Robinson, a large timber contractor, and had mentioned the contract to him. He authorized us, if we found it a suitable contract, to enter into it for him. We stayed at Fellbrigg till the morning of the 26th of October. I had the rough draught of the contract, or agreement, with me. On the 25th I was driven over the estate to see the timber by Mr. Windham. I ascertained generally what timber there was on the estate, and afterwards inquired into the means of carriage. We found that we should have to take the timber by road to Norwich, a distance of about twenty-three miles, and then by railway to London, or by water from Yarmouth. The agreement was signed on the 25th. It runs as follows:—

“October 25, 1861.

“William Frederick Windham, Esq., of Fellbrigg-hall, Norfolk, agrees for himself, his heirs, successors, and assigns, to sell to William Francis Lawrence and Walter Joseph Fry, of 10, New Broad-street, London, the whole of the timber which may

be cut on his Norfolk estates during the next four years, to the extent of not less than £5,000 per annum, and on the following conditions :—The oak timber trees to be paid for at the rate of 12d. per cubic foot, string measure, for all above 13 inches square, and 8d. per cubic foot for all oak timber trees that may be under 13 inches square, and for all other kinds of timber trees about 14 inches square at 6d. per cubic foot. The trees to be taken by the buyers as they now are and stand, the lop and top branches and bark to be the property of the buyers in consideration of their paying all expenses for felling, &c. . . . The measurement for the girth to be taken (clear of the bark) at two-thirds from the butt-end of the tree, and for the length, by two parties to be appointed, who are to choose an umpire before they begin to work, to decide in case of dispute. Mr. Windham agrees to give free ingress and egress to the buyers, their men, horses, &c., for the above purposes, and to let them a piece of land of four or five acres at the rate of £1 per acre. This contract only to be binding on the payment of £1,000 into the hands of Mr. Windham, and the remainder in monthly payments of £350 per month, commencing from January, 1862. Timber trees which may required to be cut down, and which are under 10 inches square, to be agreed for afterwards, as the above contract does not contemplate any trees being cut down of small size unless absolutely necessary,

“ W F. WINDHAM.

“ Witness to the signature of W. F. Windham, Esq., —

“ AGNES WINDHAM.”

I saw a great deal of ornamental timber about the estate. It was perfectly understood that we were not to cut the ornamental timber; it was so stated. The object of the last clause was that the growing timber should not be touched—that no more should be cut than was absolutely necessary. The £1,000, which we agreed to pay, was paid on the 25th. Winter-felled timber could be cut at any time after November. We should not get the bark in that case. The timber of which we wanted to get the bark would be cut in March. I saw a good deal of overgrown timber on the estate. We were to take all sorts of timber. I calculated that before getting any return we should have to expend between £3,000 and £4,000. Mr. Robinson took the contract, and gave us the £1,000 to pay to Mr. Windham. We are only the brokers, but Mr. Windham does not know Mr. Robinson, as we never give the names of our principals. A Mr. Freebridge went down and examined the timber at our request. He is a man of great experience in valuing timber. Shortly after entering into the contract General Windham called upon me, and learnt from me the terms of the agreement. I forget whether I gave him a copy of it, but I think I did. I saw him twice. We made him an offer with respect to the contract. We proposed to give it up, provided we got our money back, and an indemnity against future legal proceedings. Having regard to the nature of the timber and the distance, the contract is not particularly advantageous to us. In all his dealings with us Mr. Windham conducted himself like a reasonable and sane man.

Cross-examined by Mr. Chambers.—Mr. Fry attends to the financial part of the business; he knows nothing about timber. I got the £1,000 which I paid to Mr. Windham from my own bankers. On the 29th of October I received £4,250 in the form of acceptances from Mr. Robinson. That was after I had advanced the £1,000 by way of deposit. Some of the acceptances have been discounted; the others we have. It is possible, indeed, that all have been discounted. I cannot say when they were discounted, or where they are to be found now. They are all six-months' bills, but I do not recollect how they are divided as to amounts. Mr. Robinson carries on his business at 14, Mark-lane; he has been there for about two years. Before that he was a member of the Stock-Exchange. He rents a house in the Clapham-road which I formerly lived in, but it does not belong to me. He took it off my hands about nine months or a year ago. My eldest brother is his partner, and has been so nearly two years. Our principals in the Fellbrigg transactions were Robinson and Company. I have known Roberts for twenty years. He was a bankrupt about ten years ago. I was not a creditor of his; but I have had dealings with him in the timber trade. Roberts was a timber merchant and Government contractor. Our place of business is No. 10, New Broad-street. Mr. Windham came to our office accompanied by Roberts, who said, “ Here is a gentleman who has some timber to sell.” That was the first time I heard of Mr. Windham having timber to sell. I had not had any conversation with Roberts on the subject before. I did not recognize the handwriting of the paper of conditions. I told Mr. Windham that I would look into the matter, and

let him know the result in a few days. He gave me his address at the house in Piccadilly. I did not go there, but Mr. Windham and Mr. Roberts called at our office a second time. I then told Mr. Windham that I would go down to Fellbrigg myself, and that if the timber was there we should probably take it from him. My partner and I travelled to Fellbrigg alone. It was not arranged that Roberts should meet us at Fellbrigg, but we found him there. The only other persons we saw at Fellbrigg were Mr. and Mrs. Windham. We remained two nights and one day. It is the habit of timber-growers to prepare their own contracts. In the present instance I copied out the paper which had been brought to me by Mr. Windham and Mr. Roberts, and left the original at Fellbrigg. The copy was signed by Mr. Windham before dinner on the evening of the 25th of October, in the presence of Mrs. Windham, Mr. Fry, and myself. Mr. Roberts was not present, but I think he was in the house. Mr. Mostin, the bailiff, may also have been in the house, but I did not see him. No arrangement was made as to the time when we should commence to cut. Not a single stick has been felled. I made the offer which I have mentioned to General Windham the first time I saw him. After a time I became so disgusted with the whole affair that I may have said to Mr. Hansell, the solicitor to General Windham, that it was so low a transaction that I would rather lose my £1,000 than have anything to do with it; but I do not recollect having used those words. Roberts would have received the usual consideration of 1 per cent. upon the gross amount of the contract, but that was all the interest he had in it. Mr. Robinson gave us his orders about the contract verbally, and I can show no writing from him on the subject. We depended upon his honour for fulfilling the terms of the contract which he had entrusted us to conclude for him.

Re-examined.—We enter into a great many timber contracts for Mr. Robinson in the course of a year. There was nothing unusual in the present case. Roberts was entitled to 1 per cent. because he introduced the business. He has been paid nothing. At one time Roberts had a large business as a mahogany merchant. I became acquainted with him when I was a timber measurer, and I have done business for him as a broker. We have very large contracts passing through our hands—sometimes to the amount of a quarter of a million.

By the Jury.—We never made a contract for the purchase of growing timber before. The average price of oak, delivered in the yard of the purchaser, is about 2s. per cubic foot. Here the price was fixed at 1s. per cubic foot, but we were to pay for the carriage, and Fellbrigg is far from the market. It was optional for Mr. Windham to cut what quantity of timber he pleased, but we were bound, if required by him, to take it to the extent of £5,000 per annum. It was understood that none of the ornamental trees were to be cut. It is not a usual mode of measurement for the girth to take it at two-thirds of the length from the butt-end, but here no allowance was to be made for defects, which ought to count as equal to a difference of 10 per cent. in the price. I do not consider the contract a particularly advantageous one.

SIR HUGH CAIRNS.

Before calling the next witness I wish to refer to a conversation which took place on Monday with respect to the examination of Mr. Windham, and the question whether or not counsel should be present. It is frequently desirable to examine alleged lunatics in private, and sometimes the sex or the health of the parties make it necessary to do so; but in the present instance, speaking on behalf of Mr. Windham, I should deprecate a private examination. There is no reason why my client should not be examined in open court, and Mr. Windham himself desires that his examination shall take place in public, in precisely the same way as that of the other witnesses.

MR. COLERIDGE.

Considering the manner and tone in which certain questions have been put to many of the witnesses called on behalf of Mr. Windham—a manner and tone which I have never in my experience seen equalled—I shall feel it my duty to be present at the examination of Mr. Windham, wheresoever and whensoever it may take place, to be myself a witness of every question addressed to him, of the tone in which it is put, and of the person from whom it proceeded.

MR. CHAMBERS.

I have no opinion to offer on the subject, but I may state that the exclusion of counsel is not unprecedented.

THE MASTER.

I have no wish to make Mr. Windham a public exhibition in open court, whether with or without his consent; and, indeed, the nature of the topics upon which he must be questioned is such as to render even a private examination extremely painful. It would be almost inhuman to examine Mr. Windham in public, and I have been thinking whether even in private I ought not to exclude certain topics. To permit such topics to be gone into in open court would almost amount to a public outrage. As far as I am concerned, however, I have no objection to the presence of counsel; but in any case Mr. Windham will find himself, God knows, in very friendly hands. In conclusion, I have merely to say that the thought of the examination taking place in public would exercise a paralyzing effect upon me, rendering me unable to fulfil my duties.

SIR HUGH CAIRNS.

The opinion entertained and expressed by my client, is that everything which could cause pain has already been placed before the public. He is perfectly willing that the examination should be conducted in open court.

SIR G. ARMYTAGE, THE FOREMAN OF THE JURY.

Our only desire is that Mr. Windham should be as much at his ease as possible during his examination, and therefore we think a private interview will be better and more fair to him than examination in open court.

The subject then dropped.

MR. FREEBRIDGE, TIMBER PURVEYOR.

Mr. Freebridge.—I have been a purveyor of timber for the Royal Navy for thirty-five years, and am well acquainted with the value of timber and carriage expenses. On the 17th of November last, at the request of Messrs. Lawrence and Fry, I went down to look at the timber at Fellbrigg. I made inquiries about the expense of carriage at that place. There was no local demand for timber. While walking over the estate I saw many trees which had been blown down by the wind, and which had lain unsold since last spring. The value of timber depends entirely upon the locality, and in such a place as Fellbrigg timber was not worth anything like 2s. 6d. per cubic foot. Only the best oak fetched that price, and a large proportion of the timber marked out for felling at Fellbrigg was very inferior.

The inquiry was again adjourned.

TWENTY-FOURTH DAY.—WEDNESDAY, JAN. 15.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day, in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karlake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

It was definitely arranged that the examination of Mr. Windham should take place in private, but in the presence of counsel, with the understanding that the Master and the jury, if they thought it desirable, might have a second interview with the alleged lunatic alone.

MR. FREEBRIDGE.

The examination of Mr. Freebridge continued by Mr. Milward.—Much of the timber marked for felling at Fellbrigg was defective and inferior in quality. The value of the best oak at Fellbrigg, when delivered in London, would be about 3s. per cubic foot. The inferior sorts would hardly be worth the carriage, and were valuable only for the bark. I saw at Fellbrigg a considerable number of beeches, chestnuts and firs. With the exception of the chestnuts they were all of very good quality, and the average price all round might be about 6d. per foot. Perhaps the chestnuts would bring 9d. per foot. There was no local market for timber near Fellbrigg; none at least that would consume any considerable quantity. The timber other than oak would not bear the expence of the carriage to London. There were a few sycamores at Fellbrigg. Of the best oak I estimate the quantity at £7,000 worth. There was a good quantity of beech, but it was fit for nothing except firewood. There was also a good deal of Spanish chestnut,

which might fetch 9d. per foot. Fir was the prevailing timber, and 3d. per foot was as much as it was worth. I believe that the best and cheapest mode of conveyance would be to send the timber from Fellbrigg to Norwich by road, and then to Blackwall by rail. The land carriage to Norwich would be about 1s. per foot. I saw the contract with Lawrence & Fry, and, taking into account the expense of the carriage to a market, and also the inferior quality of part of the timber, and seeing there was no stipulation as to the proportion between oak and other kinds of timber, I thought it was a rather disadvantageous bargain to the buyer. The agreement made no allowance for defective timber, and that fact, together with the stipulations as to the payment of advances to Mr. Windham, was also an ingredient in the case.

Cross-examined by Mr. Chambers.—I was introduced to Lawrence and Fry by Mr. Roberts. I had not seen that person before, nor am I aware that he has been a Government contractor for timber. Lawrence and Fry wrote a note to me enclosing a check for £20, and requesting me to call upon them. Roberts had mentioned that I would be required to go down to the country to look at timber, and I understood that the check for £20 was to pay my expenses. When I called on Lawrence and Fry I had a conversation with them, and they gave me verbal, not written, directions as to what I was to do when I went to Fellbrigg. They asked me to look over the timber and give them my opinion of it. What they said was, "We are to have £5,000 worth; give us your opinion as to what there is on the estate." These were all the verbal directions they gave to me before I went to Fellbrigg. They did not tell me to mark any of the timber. Nobody met me at Norwich. At Fellbrigg I was met by the woodman and the bailiff. I was about a week looking over the timber. It required all that time to go over the estate, and I could not form a judgment until I had seen the whole. I did not make out a list of the timber, but I made notes in a book with respect to the quality of the trees in different localities. I stayed at Cromer, and was not at Fellbrigg at all. I did not see Roberts. It was the woodman who told me that the carriage from Fellbrigg to Norwich would cost 1s. per foot. As a Government purveyor my experience had been principally in oak. Beech is used in the construction of breakwaters, wharves, and canals, and also in carpentry work, but I had little knowledge of that kind of timber. I regarded the contract as anything but satisfactory to the buyers. I was not consulted about it. It was such a bargain in regard to the wording of it as a timber merchant would not have made. I should always like, for my own part, to see what I am going to buy. I have never bought £5,000 worth of timber from a young gentleman, just come of age, without the seller taking advice. On my return from Fellbrigg I saw Mr. Lawrence. That gentleman never told me that the agreement was an imperfect one, and that he proposed to introduce another clause; nor did he ever tell me that the object of his sending me down to Fellbrigg was that he might frame an additional clause. I have received nothing except the £20, which I have already mentioned. I did not expect any more. I have neither seen nor heard from Mr. Roberts since my return from Fellbrigg.

Re-examined.—I have never bought £5,000 worth of timber from anybody. My business is not to purchase, but to inspect timber. A man skilled in timber can form a pretty accurate judgment by going through the woods. There are no docks, breakwaters, or canals in the neighbourhood of Fellbrigg, which want a supply of beech. I have inspected all kinds of timber for the Government.

By the Jury.—In many counties before the timber is sold it is usual to have it examined and valued; but in others it is simply marked off in allotments and sold by auction. The more defective trees there are at Fellbrigg the greater number would have to be cut, and the more the estate would have to be denuded of its timber, to make up £5,000 worth. Firs and beeches are more valuable to the owner of the estate than to anybody else. A four-horse team would draw between three and four loads of timber from Fellbrigg to Norwich. Each load consists of 40 feet of timber, so that the carriage of one wagon-full would cost £6 or £7. When I went down to Fellbrigg at the request of Lawrence and Fry those gentlemen had already entered into an agreement for the purchase of the timber.

MR. ROBINSON, TIMBER MERCHANT, MARK-LANE.

Mr. Robinson, examined by Mr. Milward.—I am a member of the firm of Robinson & Co., timber merchants, 14, Mark-lane. About the month of October Mr. Lawrence spoke to me about the timber at Fellbrigg, and showed me the rough draught of an

agreement. He told me that he thought it would be worth my while to go into it. I replied that I would leave the matter entirely in his hands. When Mr. Lawrence returned from Fellbrigg I ascertained that the contract had been entered into by Lawrence and Fry, as brokers, on my behalf. I afterwards gave them acceptances at six months for £4,250 to provide funds for working out the contract. Mr. Lawrence told me when he came back from Fellbrigg, that it was understood that the ornamental timber was not to be cut. I do not recollect whether anything was said about the form of the contract. Mr. Roberts was to receive some sort of commission but I do not know what. I am not at all acquainted with Roberts, and what I know about that person I have heard from Mr. Lawrence. I concurred in the proposal made by Mr. Lawrence, to give up the contract at any moment.

Cross-examined by Mr. Chambers.—I have been in the timber trade for nearly two years. In the matter of the Fellbrigg contract I depended all through upon Mr. Lawrence, whose judgment is far superior to my own. I was at one time a member of the Stock Exchange. I got into no difficulties there, but retired of my own accord when I entered into the timber trade. The offices of Robinson and Co., in Mark-lane, consisted of two apartments—one for myself and my partner, and one for the clerk. The clerk was a youth, and his wages were £20 a-year, besides presents. Both I and my partner introduced capital into the business—as much as £1,000. In May last I removed my private residence from Peckham to Clapham. The rent at Peckham was £30 per annum; I now pay £100. My house at Clapham was formerly occupied by Mr. Lawrence. The firm of Robinson and Co. consists of myself and a brother of Mr. Lawrence. When Mr. Lawrence offered to give up the contract to General Windham he communicated the fact to me. Mr. Lawrence told me that General Windham had assured him that I would not lose the £1,000 which I had paid to Mr. Windham. I understood that if the contract were given up, me and my partner should have our acceptances back, and we should not be losers by the transaction; but there was no written agreement to that effect. I have no idea where the acceptances are now.

Re-examined.—The acceptances given to Lawrence and Fry were solely on account of the Fellbrigg timber contract. In entering into contracts I and my partner, as usual in the trade, left the whole management to our brokers. Our transactions through Lawrence and Fry have been considerable.

MR. ROBERT LEMON, TIMBER MERCHANT, WHITWELL, NORFOLK.

Mr. Robert Lemon, of Whitwell, Norfolk, said: I am a timber merchant, and do a very large business. I am acquainted with the Fellbrigg estate, and the timber upon it. I have occasionally been a purchaser at the sales at Fellbrigg. I have bought Fellbrigg oak in a peeled state for from 1s. 9d. to 2s. per foot, on an average; some of it was as low as 1s. In 1859 I was offered 180 loads of oak for £600. I refused to give more than £550. The price asked was £3 6s. 8d. a-load, or 1s. 7½d. per foot. The timber was barked. He described the Fellbrigg oak as very inferior; it was red-hearted and seamed, and was not so good as the average timber in Norfolk. The trees round the house are past their prime, and are every year depreciating in value. He believed it would improve the place to cut them down. They were too near the house; some might be cut down close to the stable wall. There was a good deal of windfall timber on the estate. There was a very large lot of beech, but it was short, buck-headed stuff, and some of it was going back. At a little distance from the house there were many well-growing plantations. The local consumption of timber was very small. The carriage from Fellbrigg to Yarmouth, including road and canal, was 22s. per load. Last year the average price of bark in Norfolk was £4 a-ton. It would require four loads of timber to produce a ton of bark. Peeling would cost 6s. a-load. It was the custom in timber contracts to make an allowance for defects. The allowance was made in the measurement. On the Stratton estate, near Norwich, there was a large quantity of windfall beech which might be had for much less than 6d. per foot. If 100 loads of beech were cut for sale at Fellbrigg he should not give 3d. a foot for it.

Cross-examined.—I went over the windfall timber at Fellbrigg in 1860, and said it was worth £4 10s. a load, or 2s. 3d. a foot, without the bark. I was afterwards told by Capt. Windham that it fetched £4 12s. 6d. per load, and I stated that I would have given £500 more than the actual purchaser had given. I had a Government contract at the time, and I was vexed at losing the timber, which I had looked upon

as my own. £500 more than the sum given by the purchaser would have made the price upwards of £5 per load. I am not aware that the tenants on the Fellbrigg estate were bound to cart the bark; but they have always done so.

Re-examined.—The windfall timber in 1860 was of prime quality, and rather than lose it I would have given £5 a load for it, in order to supply the Government.

MR. ROBERT STEWARD, MAYOR OF YARMOUTH.

Mr. Robert Steward, Mayor of Yarmouth.—I am a timber merchant, and know the Fellbrigg estate. The Fellbrigg oak is the worst in Norfolk, and the same remark applies to the beech. A great deal of it ought to have been cut down long ago. I would not take the beech for nothing, if I had to remove it to Yarmouth. The value of the marked oak is not great. The trees are red hearted, an infallible indication of decay, and if I was a Government inspector I would not allow a foot of them to enter a dockyard. If the oak were for sale I would not give more than £3 10s. a load, or 1s. 9d. per foot for it. I estimate the carriage to Yarmouth at 25s. a load. In the case of the Fellbrigg oak an allowance of from 20 to 30 per cent. should be made for defects. To measure the girth at two-thirds of the length from the butt-end, instead of in the middle, would not make a difference of more than 15 per cent., and no allowance was made for defects in the Fellbrigg contracts.

Cross-examined.—The Fellbrigg oak was defective, and the Government ought not to have it at any price; but I believe that if anything like a good price had been given for it the intention would be to get the Government inspectors to pass it.

COLONEL FITZROY, STRATTON, NORWICH.

Colonel Fitzroy.—I live at Stratton, near Norwich. I first met Mr. Windham at the ovation given to his uncle in Norwich, in 1856. I sat opposite to him at dinner, and saw how he conducted himself. Mr. Windham drank a good deal of wine, and became intoxicated before the dinner was over. Until he got drunk he was perfectly quiet, but he was afterwards rather noisy. There was a good deal of noise in the room. The next time I saw Mr. Windham was at a review in Norwich, in 1860. Mr. Windham was in uniform, and on horseback. I talked to him a good deal during the day, and his observations were such as I would have expected to hear from an officer who had learned his drill. I saw him on a similar occasion last year. He was sitting on the box of Lady Suffield's carriage, and his behaviour was sensible and proper. I have seen him on various other occasions, and I have never had the slightest notion that he was either insane or imbecile.

MR. HOOD, OF BETHLEHEM HOSPITAL.

Mr. Hood, examined by Mr. Karslake.—I am superintendent physician of Bethlehem Hospital, and was formerly connected with the Colney-hatch Asylum. I had also at one time a large private asylum. Mr. Windham called upon me on Friday the 13th of December. He wanted to have my opinion as to the state of his mind. I conversed with him for a considerable time for the purpose of testing his mental capacity, and with his consent I took notes of the conversation. I had little previous knowledge of his case. At my request he gave me an account of his early life. He told me that he lost his father, to whom he was much attached, when he was 14 years of age. He described his residence at Eton, stating that he was placed in the fourth form at entrance, and that when he left he was in the fifth form, having gained the promotion by examination. He said that after leaving Eton he was placed entirely under the care of tutors whom he disliked, and that consequently his life had not been a happy one. He told me that he came of age in August last, and that he had since married. He then went on to say that his property at Fellbrigg was worth about £3,000 a-year, and that there were other estates worth about £9,000 per annum which he would come into possession of in 1869. I asked him what were his tastes and pursuits. He replied that he was very fond of all kinds of field sports—riding, driving, hunting and shooting—and that he should like to live always in the country. I asked him whether he was in the habit of reading. He replied that he did not read much, that he was certainly not studious, that he was engaged all day, and in the evening was too tired to read. He stated that the Lewellins were kind to him when he lodged with them, but they had turned against him, and had put in their affidavits what he called “a pack of lies.” I asked him what they charged him with. He said they charged him with kicking up great rows in the house, and all sorts of accusations which could be disproved. “Perhaps,” he said, “I was rather boisterous; but what then?” I asked him whether he had not been on familiar terms with many policemen. “Yes,”

he replied, "I knew a lot of them, but I only chaffed them, and the principal witness against me is a man who can be proved to be willing to swear anything." I asked him whether he thought his marriage was one likely to please his family. He replied, "Perhaps not; but my mother is the only one that cares for me—the others would let me go to the devil if it were not for the property. I know I have not made a good marriage, but I had an infatuation for my wife. I knew she had not led a moral or respectable life, but I hoped that being married, we would be happy together. However, the thing is done, and there is no use in speaking of it." He told me that they were not living together; that his wife had left him for other men; and that she had spent his money in a most extravagant manner. He had been greatly disappointed, he said, and hoped never to see her again; and he added, "When I get out of this trouble I shall apply for a divorce." I remarked that if he got a divorce I was afraid he would do the same thing again; to which he replied, "I am not quite such a fool as that—'Once bit twice shy.'" He said that if he could get rid of "all this bother" he thought he might get on very well yet, because he felt perfectly able and willing to manage his affairs. He told me that his debts might be about £19,000, but bills due by his wife were coming in daily, and he had that very morning received one for £300, of which he had no previous knowledge. He said he had advertised that he would pay no more of his wife's debts. I then spoke to him about the letting of his farms. He said he had not taken the home-farm in hand, because he did not wish to engage in "fancy farming," which was an expensive amusement, but had let it to his bailiff at a good rent, as he did not like to have a stranger so near the hall. I asked him whether the railway company had made any offer to him for the passage of the railway through his property. He said they had not, but he was anxious that the railway should pass through his estate. He was afraid, however, that the scheme would not be carried out, because the Barings, the Buxtons, and other families were opposed to it on the ground that it would interfere with the quietude of Cromer. He told me that the story of Atkins about boot-trees was "all lies," and that what he wanted was a set of trees, not for every pair of boots, but for every kind of boots. He appeared to me fully to understand the value and use of money. He acknowledged that he had led a noisy and rather fast life, and regretted many of his actions, more particularly his marriage; and he told me that he should have avoided many of his indiscretions if he had known that his family were anxious to make him out a lunatic. When putting on his overcoat he said he hoped I would help to prove him sane. I replied that from what I had seen of him I did not believe him to be insane, and that I would have no objection to say as much for him. I told him, however, that he had committed many bad and vicious actions, and expressed a hope that he would lead a better life in future. He said he was much obliged to me, and trusted I would do what I could for him. I saw him again for a short time on the 31st of December, but nothing particular passed between us on that occasion. My chief object in the second interview was to examine the structure of his mouth. His answers were coherent, consequent, and rational throughout. I could not say, judging from the interviews alone, that he is otherwise than of sound mind.

Cross-examined.—And competent to manage his own affairs. I endeavoured to impress upon him the desirability of acting with caution during the course of these proceedings. He did not seem to be much impressed with what I said; but he may have been so. One of his solicitors—Mr. Rowcliffe—brought him to me, but I saw him alone. I had not heard anything of the goings-on at Fellbrigg on Christmas night when I had the second interview with him. He treated my advice with respect, but I cannot say what effect it had upon him. I remonstrated with him about continuing acquaintance with Roberts. He told me on the 31st of December that he had left Piccadilly, and intended to have nothing more to do with Roberts.

By the Jury.—I did not examine the form of his head, nor should I have paid much attention to it if I had. *Amentia* is an exploded term, and I hardly know what it means. Mr. Windham is a person of sound mind.

MISS BABINGTON, LICHFIELD.

Miss Babington, a niece of the late Lord Macaulay.—I live at Lichfield with my parents. In 1859 I was travelling with them abroad. We visited Spa, where we were introduced to Colonel Bathurst and Mrs. Wilkinson. The latter seemed to take a great interest in Mr. Windham and called him "William." Her daughter

was with her. Mr. Windham, as far as I saw, was always perfectly gentlemanly in every way. At the *table d'hôte* he was rather high-spirited, but nothing more. I never saw anything in him which induced me to believe that he was of unsound mind.

Cross-examined.—He was rather unpolished in his manner.

The inquiry was again adjourned.

TWENTY-FIFTH DAY.—THURSDAY, JANUARY 16.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge Q.C., for Mrs. Windham.

DR. WHIDBORNE, LONDON.

Dr. Whidborne, examined by Mr. Karslake.—I am a general practitioner in Guildford-street, Russell-square, and in 1860 was sent for to see Miss Willoughby as a patient. She was then living in St. John's-wood. I have met her before in the hunting-field in Hertfordshire. About a week before her marriage I received an intimation to the effect that she hoped I would not refuse to be one of her trustees, as it would be greatly for the benefit of her mother and sisters. I consented to be a trustee, as I was informed it would not involve much trouble. I saw her on the morning of the marriage at the house in St. John's-wood. Mr. Windham sent his brougham for me. I had never seen that gentleman before. The sisters of Mrs. Windham were there. Mrs. Windham introduced me to her intended husband. Mr. Windham said to me, "Doctor, I wish to speak to you a minute." We withdrew together into another room. I examined Mr. Windham, who said he had chafed himself with a pair of tight trousers, and I told him it was a mere trifle and prescribed an application of cold cream. About ten minutes afterwards we all went to church, and the marriage took place. I saw Mr. Windham in London when he returned from his marriage jaunt, and was told that Mrs. Windham was very ill. She was suffering from a disordered stomach, and I prescribed for her. Some time afterwards I went down to Fellbrigg with Mr. Bowen May to pay a visit to Mr. Windham. We arrived at Fellbrigg on a Saturday, about the middle of September, and we left on the following Wednesday. I wished to leave on the Tuesday, but Mr. Windham requested me to stay for another day, as he expected his uncle, the General, to lunch, and wanted to introduce me to him. The General came on Tuesday, and I was introduced to him. He took a glass of wine and a biscuit. I heard a conversation between him and his nephew about the exchange of a piece of land. The General stayed nearly an hour, and the conversation about the land lasted the greater part of the time. Mr. Windham behaved all through the visit like a gentleman. He was a very early riser, took a great deal of exercise, and talked rationally and sensibly.

Cross-examined by Mr. Chambers.—I have an Edinburgh degree and a Heidelberg one. The date of the latter is 1848. I never knew Mrs. Windham as Miss Willoughby. Before her marriage she called herself Mrs. ——. I do not think he spoke to her in the hunting-field. The hounds belonged to a Mr. Young. I have known Mr. Bowen May, who is my solicitor, for about twenty years. Mr. May is solicitor to the company for protecting medical men from quacks. I am not a member of the company, nor have I ever assisted Mr. May in detecting malpractices on the part of sham doctors. At first I made up my mind not to be a trustee for Mrs. Windham, but upon being assured by Mr. May that it would not involve any trouble or difficulty I complied with the request of the lady. I have never known Mrs. Windham except as a patient, and before consenting to act as a trustee I made no inquiries into her character or antecedents. I had not seen her about town. On the morning of the marriage I was suffering from a dislocation of the ribs, and I went to St. John's-wood much against my will. The message I received was that Mr. Windham wanted to consult me professionally. On my arrival at the house Mrs. Windham said to me, "I am glad you are come, Doctor, for Mr. Windham wants to see you." She did not tell me what Mr. Windham wanted to see me about. There were several men and women in the room, but the only person I knew was Mr. Bowen May. I understood that Mrs.

Windham's mother was present, but I did not speak to her. I was introduced to her brother, who was dressed respectably, though rather common in his manners. There were several other men in the room, but I had never seen them before, and did not speak to them. They were between 30 and 40 years of age, and were dressed well enough, but I do not think they were gentlemen. When I examined Mr. Windham I observed no taint of an infectious disease. Mr. Windham did not tell me that he had consulted Dr. Illingworth and Mr. Johnson. He said, "Is there any harm in this?" and I replied, "No, none whatever," and then I told him to apply a little cold cream. I think that Mr. Windham told me that he had not suffered from an infectious disease for six months. He said, "Is there any objection to my being married?" and I replied, "From what I have seen, none." I was not much affected when Mr. Windham consulted me that morning; the tears did not come into my eyes, nor did I shake Mr. Windham by the hand and say, "My dear boy, there is no harm." The interview did not last more than five minutes, and when it was over we returned to the room where the company was. I went to church in a brougham with the bride and one of her sisters. I did not observe how the procession was marshalled. All the company went to the altar. The bridegroom was lively—not melancholy. I acted as father of the bride and gave her away. I was not presented with a pair of gloves, nor did I see any of the party wearing favours. I do not know whether Mr. Bowen May acted as best man. After the ceremony I returned to the house, but did not remain for the *déjeuner*. The bride was married under the name of Agnes Rogers. I had a glass of wine and drank the health of the happy couple. Mr. Windham seemed quiet and tranquil—resigned to his fate. Roberts was not at the marriage; indeed I have never seen that person. I believe that after the breakfast Mr. and Mrs. Windham went off to Paris. Upon their return to London I attended Mrs. Windham three times for derangement of the stomach. Mr. Windham told me he was very well. Mr. Bowen May and myself went down to Fellbrigg for a little shooting. One evening after dinner Mr. Windham was taken suddenly ill and went to bed. He appeared to be in a high state of fever, arising from over-exertion, but I did not discover any symptoms of a particular disease. I questioned him on the subject, but he replied, "Oh, I have had nothing the matter with me since I was in Torquay." I have not spoken to him since that visit to Fellbrigg. I have not been paid for my professional services, but I expect to be paid.

Re-examined.—After I had examined Mr. Windham on the morning of the marriage, Mrs. Windham did not speak to me on the subject.

MR. BOWEN MAY, SOLICITOR.

Mr. Bowen May.—I have been in practice as a solicitor for more than twenty years. In 1859 I became acquainted with Miss Willoughby. She was introduced to me in the hunting field as Mrs. ———. She was in company with two gentlemen, neither of whom was Mr. ———. She rode remarkably well, and was a woman of great personal attractions. The next time I saw her was with her Majesty's staghounds in Buckinghamshire. She met with an accident, and I rendered her what assistance I could, and saw her to an hotel. Afterwards she called at my office in Russell-square to consult me professionally. I acted as her solicitor on that occasion, as well as on another subsequent one. Her action was brought under the name of Agnes Willoughby. She told me she was living under the protection of a gentleman. In the summer of last year—at the end of July or the beginning of August—she called on me again. She told me she was going to be married. I said she had better remain as she was. She went away, but returned in a few days afterwards. On that occasion she told me she had received an offer of marriage from a gentleman of position and fortune, and she gave me the name of Windham. We discussed the matter a good deal, but I thought there was nothing in it. Subsequently she brought Mr. Windham and introduced him to me as the gentleman of whom she had spoken. She said he had made her an offer, but she had not made up her mind whether she would accept it or not. They called again on the 1st of August, a few days before Mr. Windham came of age. The conversation was of a similar character. He said they were going to be married, for she had accepted him. I asked him how old he was, and he replied he would not be of age for a few days. I told him it would be quite time enough to talk of being married when he came of age. The first time the marriage was seriously discussed was on the 20th of August. They told me they were going to be married; they first said it would be in October, and then they said it would be in September. Before the

20th of August I had seen Mr. Windham alone and had said to him "Are you really in earnest about being married, because I think it right to tell you that the lady is a kept mistress and she is very extravagant? She keeps two or three horses and is used to hunting." He replied, "I know all that, and am much obliged to you." At the interview on the 26th of August, when they told me they were going to be married, I asked Mr. Windham what his income was. He told me it would be £14,000 or £15,000 a-year, but he said that at the present time it was only £3,000. Miss Willoughby then said, "If I marry him I must have £1,000 a-year settled." He replied, "At present I can't give that, for my income is so little to what it will be." I told her she ought to be content with £500. She ridiculed that. "Well," I said, "£600 at any rate." That she refused, and said, "Do you think it is likely I will give up £2,000 a-year for such a settlement?" Eventually Mr. Windham said, "I will give her £800 a-year now, and £1,500 when I come into my property." She demurred, but I said that ought to content a most selfish person. She said, "Mind, I am to have the allowance so that I can will it away." I said the ordinary mode of settlement was to give it to the wife for life. She replied, "I am going to marry for the benefit of my sisters, and I must have it so that I can will it to them, or do as I like with it." I said, "What do you say to that, Windham? What relatives have you?" His reply was, "I have got no one that I care about except my mother, and she is already provided for out of the estate." Miss Willoughby then said, "Let us have it put down at once." I replied, "There is no occasion for any writing about it," but Windham said, "Oh, yes, better put it in black and white, and then she will be satisfied." I then jotted down in their presence these lines:—Settlement to be executed between William Windham and Ann Agnes Rogers. Mr. Windham agrees to settle on his wife absolutely £800 per annum, to be charged on the freehold estate at Fellbrigg-hall, Norfolk. Trustees—Dr. Whidborne, of Guildford-street, and ———." The parties then signed, "Ann Agnes Rogers" and "W. F. Windham." I ultimately induced Miss Willoughby to accept £800 a-year without any reference to the future. I asked, "Who are to be your trustees?" She replied, "I have asked my doctor, and you must see him for his consent." Then I said, "Windham, whom will you name?" He said, "Well, I don't know; I have no friends or relations whom I care a straw about." I suggested his mother. He said, "No; my mother is in very delicate health; but I will let you know." I said, "To whom shall I send the settlement to be perused on your behalf?" He replied, "I have no solicitor now; it doesn't require one, does it?" I told him it was usual and proper. He said he would appoint a solicitor at the beginning of term, for he supposed all the lawyers were out of town then, as it was the long vacation. He added, "I have heard you highly spoken of by one or two people; surely you can do it between us?" I said, "I shall send this rough draught down to counsel to prepare a settlement between you." I immediately, in their presence, called in my managing clerk and told him to send a copy of the draught to my conveyancing counsel, Mr. Graham Hastings. They then left. Within a day or two afterwards I saw Miss Willoughby alone at my office. She said she did not think she should be married, as she was not prepared to give up an allowance of £2,000 a-year for £800. On the 26th of August I saw them together. I said, "So I understand it is not to come off; I never thought it would." Windham replied, "Oh, yes it is. I have made up my mind that it shall." He then told me he had agreed with the lady to give her when he came into his property £1,500 a-year, as she was going to give up a large allowance to marry him. I said, "Very well, if it is to be, who are your trustees?" He replied, "I have no one." I then said, "Why not the gentleman I was at school with?" meaning General Windham, who was at Dr. Valpy's school at Reading when I was there? He replied, "He wants to get hold of my property; we are not friendly, and I shan't have him." Miss Willoughby then said, "I have asked Mr. Roberts if he will be a trustee, provided Windham can't get any one to act for him." Mr. Windham said, "I have no objection to Roberts. I understand he is a wealthy man. He drives a four-in-hand and keeps a pack of hounds." I told him that Roberts used to keep a pack of hounds, and that I believed he drove a four-in-hand still. It was then decided that he should be associated with Dr. Whidborne, and after the draught settlement came back from Mr. Graham Hastings his name was put in. I said to Mr. Windham, "I understand you have only a life interest in part of your property. What do you intend doing as to that?" He replied, "I intend cutting off the entail directly, and I shall get you to do it." That is all that

passed on that occasion. The draught was returned on the 28th of August, ready for engrossment. I had seen counsel in the meantime, and told him of the alteration with respect to the rent-charge. I saw Mr. Windham the same day the draught was returned, and asked him who the second trustee was to be. He said he had not been able to select one of his own, but he did not care who the trustees were, provided they were respectable and responsible. He then authorised me to put in the name of Mr. Roberts, though he did not then know that person, or, in fact, did not see him till after the marriage. The draught, as altered with respect to the rent-charge, was copied and engrossed on the 29th. I sent it to be executed to Miss Willoughby's residence, in Blenheim-place, St. John's-wood, and my clerk brought it back signed by both parties. At the request of Mr. Windham I went to the wedding. The day was changed, and he asked me to go because the friends whom he had expected could not attend on the altered day. Miss Willoughby generally came to me in a brougham with one horse. I saw Mr. Windham in Paris, where he executed the disentailing deeds, which had been prepared in England. The effect of the deeds was to bar the entail to the Fellbrigg estate. After his return from Paris I saw him in London, and it was arranged that Dr. Whidborne and I should go down together to Fellbrigg-hall on a visit to Mr. Windham. I was in the room when the General and his nephew had a conversation of a business nature. It related to the sale of some property. I did not know who was to be the buyer. I asked Mr. Windham, after the General had gone, what the property was worth. "Oh!" he said, "only about £1,000;" and I understood from him that the General wanted to sell the property to him. The bargain was not concluded. General Windham was introduced to Mrs. Windham and her sister. He did not take lunch with the rest of us; he said he never took lunch, but he had wine and biscuit at the fireside. After my return from Fellbrigg Mr. Windham called on me several times. He always talked most sensibly, and seemed to be a person of perfectly sound mind. I told him that a very improper application had been made to the Court of Chancery against me. His reply was, "You will catch it, for Vice-Chancellor Wood is a bosom friend of my uncle, the General." I said Vice-Chancellor Wood was a perfect gentleman, and I was sure the application would be dismissed. I was not even in court when the case came on.

Cross-examined by Mr. Field.—I did not hear the remarks which the Vice-Chancellor made in dismissing the application. I had not my costs. I do not know what Mr. Windham owes me. The sums I have paid for him are entered in my book as follows:—"August 29, Windham, £200; September 10, Windham, £150; September 26, Windham, £100; October 9, Attenborough, £135 4s.; October 19, Windham, £200; October 31, Attenborough, £226 8s." The only entry on the other side is a payment by Mr. Windham of £200; in fact, on the 29th of August, we merely exchanged checks to that amount. The two sums paid to Mr. Attenborough were to redeem old jewellery pledged by Mrs. Windham before her marriage. Mr. Windham was threatened with an action if the jewellery was not redeemed, and that is the reason why I paid the money. I held the jewellery in my possession for Mr. Windham. The £200 paid on the 19th of October was given to Mrs. Windham, and was afterwards handed over by her to her husband. I should think that £50 would pay my bill of costs against Mr. Windham, exclusive of £20 which I charge for going to Paris with the disentailing deeds. He also owes me the price which I gave for a horse. I knew that Mr. Windham was under age, for the first time, on the 4th of August. I was also informed that he was a ward of Court. My charges before the 29th of August are entered in my book against Miss Willoughby; but, of course, in making out my bill of costs I shall include them in Mr. Windham's account. I believe Mr. Windham saw the draught of the settlement, but I am not sure.

Re-examined.—On the 20th of August the stipulation was that the settlement should be £800 a-year. On the 26th it was agreed that the amount should be increased to £1,500, in 1869. Between the two dates Miss Willoughby told me that she would not give up her allowance of £2,000 a-year for a settlement of £800. I am not acquainted with Chancery proceedings, and had no idea that I was guilty of a contempt of Court in acting for Mr. Windham with respect to his marriage after he came of age. He attained his majority on the 9th of August, and was married on the 30th.

By the Jury.—I did not ask Mr. Windham what his reason was for saying that his uncle, the General, wanted to get hold of his property. I did not object to Roberts

as a trustee. He has an income of £5,000 a-year, and I have always found him a man of honour and talent. The only thing against him is his bankruptcy. I never drew such a settlement before, but it is often done. Mr. Windham said to me, "I have no friends or relations on earth that I care for; all my property must go to my wife; why, therefore, should I refuse her £1,500 a-year?"

The inquiry was again adjourned.

TWENTY-SIXTH DAY.—FRIDAY, JAN. 17.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed in the Lords Justices' Court, Westminster-hall, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

At the sitting of the Court the Master asked Mr. Karslake when he expected to be able to close the evidence for Mr. Windham. Mr. Karslake declined to answer the question, because, as he alleged, he had been charged in the public journals with having wilfully deceived the Court on a previous occasion. The learned gentleman was understood to refer to a statement made in the *Times* of the 17th inst.

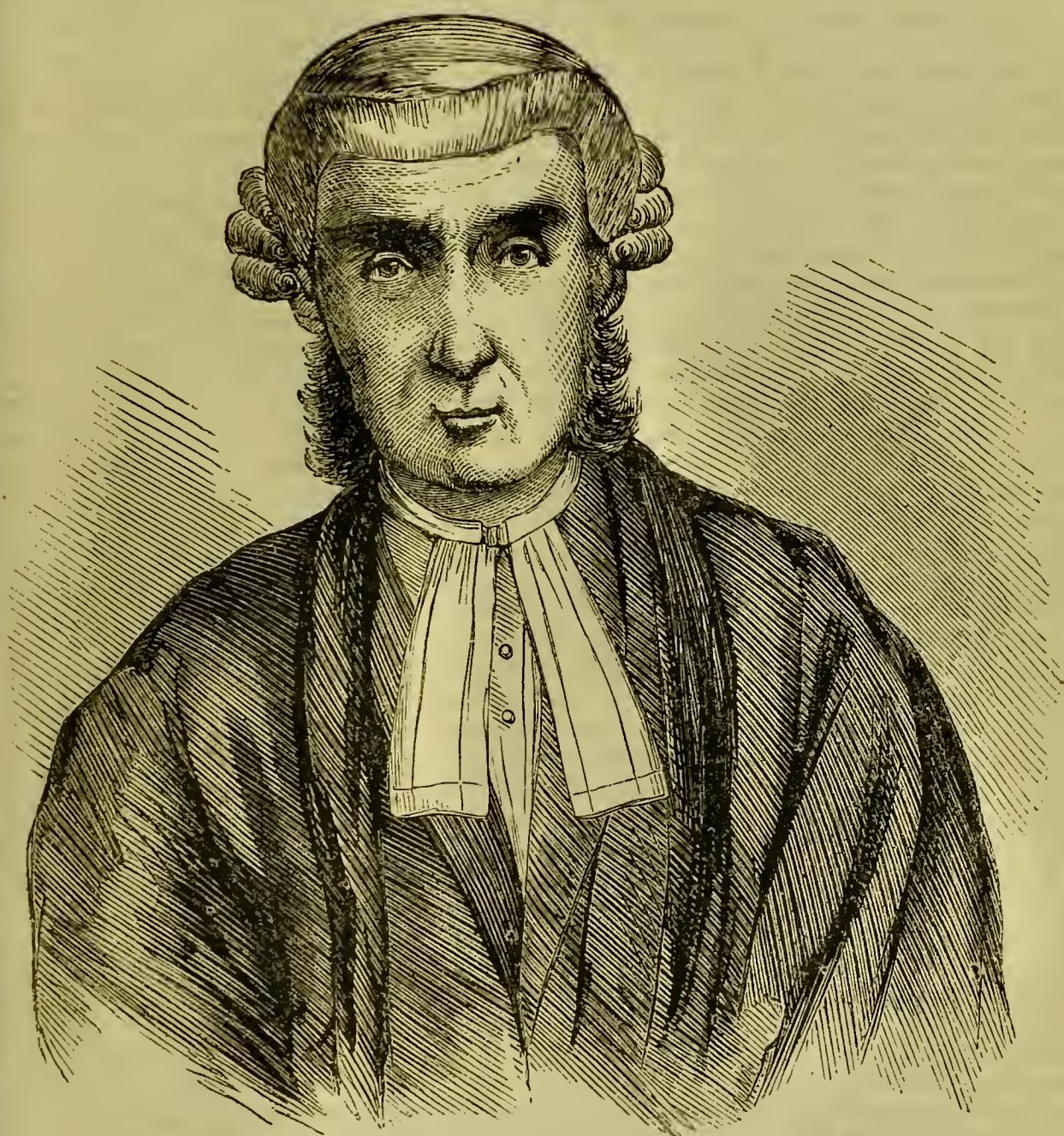
Sir H. Cairns said—Before the business [of the day commences I wish to enter a protest against the decision of the Master to examine Mr. Windham in private. I base my protest upon two grounds—first, the ground of expediency; and, secondly, the ground of jurisdiction. Certain statements to the effect that the conversation of Mr. Windham was childish and inconsequential, and that his manners were not consistent with soundness of mind, had been made in open court, and Mr. Windham desired that he should be permitted to rebut those statements, so far as they could be rebutted in the course of an examination, in the face of the public. On the question of jurisdiction a most important rule was laid down by Lord Eldon in the Portsmouth case. When excluding the public from the examination in that case, Lord Eldon was reported by Sir G. Cowper to have said that the act was the act of the parties, and not the act of the judge. Moreover, it was well known that the Divorce Court, in which extremely painful disclosures were frequently made, had not the power of sitting in private, and that a year or two ago Parliament actually refused, when an application was made to it for the purpose, to grant such a power to that tribunal. I am aware that alleged lunatics have sometimes been examined in private, but those private examinations have taken place only with the implied or expressed consent of the parties, or when an examination in open court was physically impossible. Of course, at whatever time or place the Master may appoint for the examination of Mr. Windham, that gentleman, as in duty bound, will attend with his advisers. If the public should then be excluded, Mr. Windham must bow to the decision of the Court, but it would be understood that he did so under protest.

Mr. Field stated that the advisers of the petitioners were quite content to leave the matter in the hands of the master.

The Master, after remarking that whatever fell from Sir H. Cairns was entitled to the utmost consideration and respect, said—I am placed in a peculiar and responsible position, charged with the conduct of proceedings in many respects of an anomalous character; in some respects, indeed, somewhat abnormal. Having regard to many circumstances into which I will not now enter, I beg to say that I have heard nothing from Sir H. Cairns which can induce me to alter the determination at which I have already arrived, for I have no hesitation in stating that if I were to accede to the proposal now made on behalf of Mr. Windham, for a public examination of a kind very different from any which took place in the Divorce Court—an examination necessarily involving topics of an extremely painful and indelicate nature—it would simply have the effect of rendering me incapable of discharging my duties judicially, and in point of fact there would be no examination at all, but a mere abortive and unseemly exhibition. Of course, counsel will be present at the examination of Mr. Windham, and there will also be a shorthand writer for the protection of all parties; but I think that the jury and myself may lawfully have a second interview with the alleged lunatic alone, though I trust there will be no necessity for it.

MR. MARTIN, LATE BAILIFF AT FELLBRIGG HALL.

Mr. Martin, examined by Mr. Karslake.—I was, until lately, bailiff at Fellbrigg,



MR. COLERIDGE, Q.C.



and have long been connected with the Windham family. Old Mr. Windham held the home-farm in his own hands until his death. After that event I continued to live in the hall, but in 1858 the home-farm was let to me. It is about 640 acres in extent, and until young Mr. Windham came of age I paid the rent to the receiver, Captain Henry Windham. Old Mr. Windham was a very passionate man, but his passion was soon over. His treatment of his son was very irregular and capricious—sometimes he was indulgent and sometimes severe. I was present at his funeral. Young Mr. Windham wept bitterly, and seemed very much affected. I noticed nothing improper or extravagant in his conduct. I saw him from time to time during his residence at Eton. While Lady Sophia was in Torquay, he was with a tutor at Rimpton. I went there at the request of his mother, and was with him for four hours. From Rimpton I returned to Fellbrigg. I discussed the ordinary topics with him on that occasion, but I do not remember the conversation. He treated me with great kindness. After that I saw little of him till he came down to Fellbrigg with Mr. Horrocks. He stayed four or five months. Mrs. Martin and I used to play cards of an evening with Mr. Windham and Mr. Horrocks. I thought Mr. Windham played whist very well. I next saw him when he came over from Yarmouth, at the time he was in the militia. That was in 1860. My wife and I went to Yarmouth, by invitation, to see a review of the militia. I saw Mr. Windham with his regiment, and, as far as I could judge, he conducted himself properly. He carried the colours as ensign. I lunched with him after the review, and in the evening I went with him to the theatre, where he joined his brother officers. When I next saw him he was with Mr. Peatfield. They came down to Fellbrigg together in September, 1860, and stayed till February, 1861. During that time Mr. Windham rode about a good deal. I drove Mr. Peatfield to Aylsham when he went to inquire about the fight with the showman, and heard him tell Mr. Windham that he must go up to London. Mr. Windham called him a "slink," and said he would not leave Fellbrigg; but I advised him to go to London, and he eventually consented. One of his eyes was discoloured. The next time I saw him was in town. I came to London, by invitation from him, in the second week in July. I stayed in Duke-street for about a week. I did not see a great deal of Mr. Windham. On one occasion I went with him to Richmond, and I saw him at Cremorne. I also accompanied him to the Crystal Palace, and on the same day we went to the Wimbledon volunteer review. Mr. Windham created no disturbance at Wimbledon. He spoke to a policeman in the gateway, but there was no row or anything of the kind, nor did he use offensive language while ladies were passing in their carriages. He got upon the gateway, but that was to see a charge of the volunteers. He drove me back to town. Mr. Peatfield was living with him at that time in Duke-street. I frequently lunched with him and the Lewellins, Mr. Peatfield, and Mr. Partridge. There was plenty of wine on these occasions—generally champagne. During my stay in town Mr. Windham called my attention to what he termed capital articles and letters in the *Times* about the "pretty horsebreakers." I do not remember whether I read the letters of "A Mother of Seven Daughters" and "A Belgravian Mother," nor do I recollect whether he called my attention to a communication in which the writer recommended an establishment in "the shady groves of the Evangelist." He said, "I would rather marry a 'pretty horsebreaker' than I would a lady." It is very likely I remonstrated with him on the subject, but I can't say. After I returned to Fellbrigg he came down several times. He brought down a portrait, and told me it was Agnes Willoughby's. He took down the General's portrait, and hung up Agnes Willoughby's in its place. I advised him not to do so. I remember him coming down just before he attained his majority. Mr. Jackson and Mr. Hansell came to Fellbrigg when he was there. General and Captain Windham came over on the 8th of August. I was not present at any part of the conversation which took place between Mr. Jackson and Mr. Windham. On the morning he came of age Mr. Windham told me that Mr. Jackson had made a proposition to him that he should give up the then settled property and live in the hall, paying a nominal rent for it, and that he should have a larger income out of the unsettled property. He asked my opinion about it. I told him that I thought, if he did not understand the matter, he had better well consider what he was doing. He admitted that he did not understand it, and he said it was not proposed by the General, but by Mr. Jackson. My advice to him was, not to reject it, but to pause before accepting. Lady Sophia was at the hall during the visit, but she

was an invalid. I think she left the day Mr. Windham came of age. There was no *fete* or anything of that sort on the occasion. The day Mr. Windham came of age there was a regatta at Cromer. I saw him there in the company of Lady Suffield. I heard him say one day he would marry Agnes Willoughby. I did not think he was so much of a fool as to do anything of the kind, and told him so. Shortly before the marriage Mrs. Martin and I were sent up to London by General Windham, who was then living at Hanworth, and who wished us to do what we could to stop the marriage. We saw Mr. Windham in Duke-street, and tried to persuade him not to marry Agnes Willoughby. I told him that if he were to do so his uncle, the General, would get a commission of lunacy against him. Something about that had been said at Hanworth, but I do not remember what it was, and I made the statement to him, because I thought it would have an effect upon him. He denied stoutly that he was going to be married, and said there was no truth in the report. He said, "Who the devil sent the General such a message as that? Besides, if I think proper to marry Agnes Willoughby, who has any business with it?" He then mentioned the names of two noblemen who had married women of similar character. It was then I told him that the General would get a commission of lunacy against him. In reply to that he said, he would call the General out, or something of that kind. He promised to go down with us to Fellbrigg, but he did not keep his promise, and the next thing I heard of him was that he was married. I was still living in the hall when he came down with his wife and her sisters. He spoke to me about his wife. I met him in the park, and he said, "Well, Martin, my wife seems to think that she is no great favourite of yours." I replied, "I am not surprised at that from the course I have taken." He said, "I can assure you she is a perfect lady, and I can bring witnesses to prove it." I replied, "Nothing could give me greater pleasure than to hear it proved that she is." I was very much annoyed at the marriage, and gave notice to quit. My wife and I then removed to the dairy-house, and I remember speaking to Mr. Windham about repairs. After inspecting the house, along with a carpenter and a bricklayer, he ordered that it should be thoroughly repaired, saying to me, "Well, old fellow, you must pay half the labour." That is the custom on the estate, but I told him I would not go to any expense myself. I said that if he would grant me a lease for twelve years I should pay four per cent. on the outlay. He consented, and upon these terms the bargain was completed. During our connection he has been in the habit of writing to me from time to time. He has always treated me with great kindness. I now produce some of the letters which I received from him:—

"Guernsey, April 10, 1861.

"Dear Martin,—Nothing will give me greater pleasure than to let your brother-in-law have Melton's farm, unless he would like to have Daniell's, which Symonds has had notice to quit. I am perfectly satisfied that he will suit me, since the recommendation comes from you; and it makes me only too pleased to be able to do anything for a man who done so much, not only for my poor father but also for me. I should like you just to let me know what state Brown's and Melton's farms are in, if you have an opportunity. I must now say adieu; and, with love to Jeffy, and hoping you are quite well, believe me,

"Yours truly, W. F. WINDHAM.

"P. S.—Direct to me, 'Post-office, Guernsey.'"

"Guernsey, April 17, 1861.

"My dear Martin,—I have considered your letter, and what you say is very just. However, Melton you know last year took into his head to abscond, and leave his wife, and go to some fair, and there stay neglecting his farm. When I heard of it I said nothing at the time, but I thought that, after that, it was time for him to quit. However, I will think over the matter, and see about it, and let you know in a day or two. Would Park's house be too big with the farm for your brother or not, as, if it would not, you can tell Mr. Park that if he likes Daniell's farm he may have it. But do you think he would like to move or not, perhaps best not, therefore let the matter stand for the present. I must now say adieu, and with love to Jeffy, believe me,

"Yours truly, W. F. WINDHAM.

„Where is Lines at work?"

"Guernsey, April 29, 1861.

"My dear Martin,—You may tell your brother-in-law that he may consider Melton's farm his next Michaelmas; so that affair is settled. I have thought it over, and now come to a conclusion. Do you know of anybody who is in want of a farm? I should like to know, as I want to let Daniell's farm. Is it true what I heard from Captain Windham, that Symonds, after having notice to quit, is quite furnishing a room for his son in the farm, because, if so, that is just trifling, as I do not intend him to have any one there as his tenant, but the person who is to be there must be my tenant, and so you have my leave to tell him, if anything is said about the matter. With love to Jeffy, and hoping you are well, believe me,

"Yours very truly,

W. F. WINDHAM."

"Paris, September 4, 1861.

"Dear Martin,—We shall be down with you on Tuesday next. Yates will be down on Monday, and will bring further orders. I want two rooms—one for my wife and self, one for her maid, and one for her sister. Get the piano tuned; get a man from Norwich. Good bye; love to Jeffy. "Ever yours truly,

"W. F. WINDHAM.

"Have the east bedroom and dressing-room for my wife and the thoroughfare room for her maid."

Until Mr. Windham came of age the estate was entirely under the control of the trustees. He has no great taste for farming, but he has been round the estate with me several times, and on those occasions he has always talked rationally and sensibly. In my judgment he is a man of perfectly sound mind.

Cross-examined by Mr. Chambers.—Mr. Windham and I are still very friendly. The last time I saw him was on Saturday evening. He was driving a four-in-hand near Fellbrigg, and I did not speak to him. There were several people with him. I had been at Fellbrigg all the day, and Mr. Windham had been away. He was returning when I saw him. I do not know when Mr. Windham was last in town. I was kind to him when he was a child, and he has always talked to me with perfect familiarity and confidence. I have fancied sometimes that he told me falsehoods; I do not say many, but some. I do not remember ever saying to him, "Why, Mr. Windham, that is not true." He has never complimented me by saying, "You're a liar." I should fancy his mind is a little below the average. I should not call him an extraordinary clever man. Many of the letters which I have produced were written in answer to some which I had sent him. He corresponded at the same time with Captain Windham, but the language of his letters to me could not by any possibility have been copied from those of Captain Windham to him. When I saw him at Rimpton he did not tell me anything about his being in love with a young lady there. I do not think he was in love then, for he spoke rather disrespectfully of Mr. Andrews, who, he said, was a gentleman who thought a great deal of himself. I do not remember whether he had a dirty appearance or not. I have seen his face dirty, but I do not know whether it was done by his rubbing the saliva over his face with his hand. He shouted a good deal, like his father, but I never noticed that peculiarity in his voice of which so much has been said. He used to call out frequently in the house, but that is a very common occurrence in Fellbrigg-hall. He is a very good imitator of a cat, but I never heard him trying to imitate any other animal. I never heard him catawauling to amuse the servants. I generally saw him when a boy in the housekeeper's room, and when he came there he always behaved like a gentleman. I think I have seen him in the livery which his father had made for him, but I am not sure. I certainly never saw him in that dress outside the house. I have seen him outside the hall in a soldier's dress, but never beyond the park. He wept bitterly at his father's funeral. I cannot say whether he stared round the church. I did not see what he was doing before the funeral left the house, nor did I see what he did after he returned from church. I never accompanied him to the Haymarket. I saw no policeman interfere with him at the Wimbledon Review. He was perfectly quiet, and did nothing to excite the attention of anybody. Some of the policemen had beer with him. A policeman accompanied Mr. Windham and myself to the carriage, but he did so, I suppose, for his own pleasure. Mr. Windham seemed to be pretty familiar with the police. He did not tell me that his object was to learn his duties as a county magistrate. I think he liked his old tenants; at least I never heard him say anything to the contrary. I have told him sometimes that he should not drive so fast, but I never had any complaints on the subject. I never said to

him that some day he would be dragged out of the dogcart for driving so fast. I did tell him that if he persisted in calling out to people in a gruff voice to clear the road he would some day be pulled out of his dogcart and get a good drubbing. I am not aware that he was in the habit of driving through droves of cattle and sheep. He told me that he had a capital offer for his timber from Roberts. I advised him not to sell it. He said he was to get £20,000 in four or five years. I thought the bargain was a foolish one to make, because, in my opinion, £20,000 of timber could not be cut down without injuring the appearance of the estate. After that conversation he never mentioned the subject to me again. I saw Roberts at Fellbrigg about that time.

Re-examined.—The first time I saw Mr. Windham in London was in July. Gen. Windham told me that his nephew was in the habit of consorting with policemen. I never heard Mr. Windham halloo except for a purpose.

By the jury.—If he had consulted me about the timber contract I should have advised him not to sign it. I refused to go to the Christmas entertainment at the hall because I did not approve it.

By the Master.—Mr. Windham did not like to have a tutor with him at Fellbrigg. I did not altogether approve Mr. Horrock's treatment of his pupil. There are many men on the Norwich-road who drive as fast as Mr. Windham. I think Mr. Windham is a very temperate drinker.

MR. T. M. GIUBILEI.

Mr. Giubilei, examined by Mr. Milward, said—On the 10th of May, 1858, I married Lady Sophia Windham. I first became acquainted with her in Torquay. I first saw young Mr. Windham in April, 1858, and was with him a good deal. His mother was very indulgent with him, and had a great deal of control over him. He was more easily moved by kindness than by force. I have seen him resist force on many occasions. I have often driven out with him, and Mr. Windham always conducted himself very well. I saw him twice before Vice-Chancellor Wood. On both occasions he made some remarks to the Vice-Chancellor, and took part in the proceedings. During his residence in Duke-street last year, he frequently visited his mother at Sidmouth-lodge, Brompton, and drove her out. He dined there very often. On one occasion he invited his mother and myself to dine with him in Duke-street; but he afterwards sent us a letter to say that he was obliged to go down to Norwich on pressing business, and that he wished us to put the dinner off till the following week. We never dined at his lodgings. He accompanied Lady Sophia and I on a short visit to the Continent, and he spoke French pretty well. I have had many conversations about Mr. Windham with General Windham, and also with Mr. Hook. Mr. Windham is a person of sound mind.

Mr. Milward.—What did General Windham and Mr. Hook say to you about Mr. Windham?

Mr. Chambers objected to the question, as conversation which took place behind the back of Mr. Windham was not evidence in this case.

The Master.—I have already decided this matter over and over again. We are not here to inquire into the conduct of General Windham and Mr. Hook. If these collateral issues are to be continually raised, the inquiry may not terminate for twelve months.

Mr. Karslake.—We have no wish to raise collateral issues, and allow to me to say that we do not adduce any evidence which we believe to be unimportant.

The Master.—It was far from my intention to offend Mr. Karslake, but I say again, the question cannot be put.

Witness resumed.—He had received several letters from Mr. Windham. He also produced many letters written by him to his mother. The transactions referred to in them were real.

Cross-examined by Mr. Chambers.—I think Mr. Windham is of sound mind. I do not recollect saying that he is a young man of very weak intellect. I do not believe he is so.

Mr. Chambers.—Are you aware that at one time Lady Sophia proposed to join in this petition?

Witness.—No. General Windham offered Lady Sophia and myself two bribes to—

Mr. Chambers.—Take care, Mr. Giubilei, or I will produce your own paper.

Mr. Karslake.—Let us have no threats, please; the witness must not be intimidated.

Mr. Chambers.—I ask you again, Mr. Giubilei, do you know that Lady Sophia proposed to concur in the petition?

Mr. Karslake objected to the question as irregular.

Mr. Chambers.—Then, I ask the witness whether he was made acquainted with the fact that Lady Sophia's solicitor offered in her behalf to concur in the petition?

Witness.—I was not. I am upon good terms, of course, with Lady Sophia. Mr. Chappel was and is her solicitor. I saw him last about a week ago at his office. At that time I had not given to Mr. Windham's solicitor any statement of my evidence. I made a statement to them for the first time three or four days ago. They did not come to me; I saw them in the Sessions-house, where I had gone because I felt interested in the case.

Mr. Chambers—Do you know that Lady Sophia made an affidavit in the Court of Chancery?

Mr. Karslake.—I object to the question.

Mr. Chambers.—Do you know Mr. Giubilei, or do you not?

Mr. Karslake.—I say I object to that question.

Mr. Chambers.—Do you know Mr. Giubilei, or do you not?

Mr. Karslake.—I must say that when I have formally objected to the question it is neither fair nor courteous to go on repeating it, and at the same time to throw a triumphant glance at the jury.

The Master.—I think the question is a very doubtful one, and it had better not be pressed, or we shall never get through the case.

Witness resumed.—I was in Duke-street twice about the end of May. I do not recollect whether I saw Mr. Windham in July, but I did not see him in August. He ceased to call and dine at Sidmouth-lodge at the beginning of July. I did not inquire after him in Duke-street, but Lady Sophia wrote to him. I saw him with Miss Willoughby in June last at the Lyceum. I had no suspicions of a marriage, but I told him his income was not sufficient to justify him in keeping company with such a person. I had been informed that she was extremely extravagant, and told him so. I think he knew himself that she was living with another gentleman at the time. I had not heard anything else against her, and I did not say anything else to Mr. Windham. I spoke to him again about Miss Willoughby at the Hampton Races. I told him to take care—that was all. He made no answer. I think he is equal in intellect to the generality of young men of his age. He is rather boisterous and excitable. I have heard him abuse people sometimes in dirty language. He has never been in a passion with me.

By Mr. Russell.—Lady Sophia does not concur in these proceedings; on the contrary, she disapproved them.

Re-examined.—I have never seen him get into a passion without cause. When he gets into a passion he lets you know it, but it does not last long.

By the Jury.—When Mr. Windham came to dine at Sidmouth-lodge in May and June he never appeared the worse for drink, as if he had taken too much wine at lunch.

The inquiry was the nadjourned till Monday, when it was resumed in the Westminster Sessions-house.

TWENTY-SEVENTH DAY.—MONDAY, JAN. 20.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed this day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Fredrick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

The Master wished it to be understood that the ground of his decision in favour of a private examination of Mr. Windham was that he believed a public examination would tend to defeat the ends of justice. He added that, in the Armstrong case, the late Lord Campbell refused to allow counsel to be present at the examination of the alleged lunatic.

A juror stated, as a fact within his own knowledge, that in the Armstrong case Lord Campbell permitted the jury to have an interview with the alleged lunatic alone.

Mr. Chambers said there could be no doubt the jury had a perfect right to say that they would have an interview with the alleged lunatic either alone or in the presence of the Master.

Mr. Milward put in an affidavit made by Mr. Windham on the 2nd of June, 1860, in connection with a Chancery suit then in progress.

THE REV. MR. DEVERE.

The Rev. Mr. Devere, examined by Mr. Milward, said: Mr. Windham was introduced to me in August, 1858, and it was arranged that I should travel with that gentleman for a short time. We went first into North Wales, then visited the Lake district, and afterwards proceeded to Scotland, returning homewards through Durham and York. I was with Mr. Windham about five weeks altogether. At Fellbrigg we had some shooting, both carrying guns. During the tour we mixed a good deal with other travellers. Mr. Windham behaved on the whole sensibly, and I believe him to be of sound mind. His manner on some occasions was boisterous and rather blustering, but there was nothing else objectionable in his demeanour. I had a little trouble with him twice, but not much.

Cross-examined by Mr. Chambers.—What I meant by a person of sound mind was, one who could see the bearings and consequences of his actions. Mr. Windham did not seem to understand the consequences of his boisterous and blustering manner until I explained them to him. He did not appear to have had them explained to him intelligibly before. I certainly made an impression upon him at the time. By boisterousness, I mean that Mr. Windham was rather more noisy than other people, but I never had any complaints on the subject, or saw any one offended. Mr. Windham talked in a boastful way, and generally to people in a lower station than himself—waiters and ostlers about hotels. Towards the end of our intercourse I observed that he took greater interest in the society of his equals. His capacity was not below par, and I believe that his apparent intellectual deficiency was owing to want of education.

By the Jury.—I think it likely that the present proceedings would have a great and good effect upon Mr. Windham. His continuing to frequent the society of bad and immoral people shows that he has not yet acquired a full sense of his position, but ultimately the trial he is now undergoing will work its effect upon him.

Mr. Milward then read the letters from Mr. Windham to his mother, which were produced by Mr. Giubilei on Friday. The following are fair samples of the correspondence, which it is impossible to give *in extenso*.

“Eton, Sunday.

“My dear Mama,—I hope you are quite well. I have got a bad cold. I am so stupid, you know. The last night Mr. Cheales went out to dinner, and told me not to leave the room, as I was staying out; but I stupidly went to another boy's room; but really it is because I get so tired of being in one room all day. He says that he will punish me, which I know I deserve; but yet he says that the way he shall do it will be to keep me back for two days, or something like that, which I don't like. Now, if I never am allowed to mix with other boys, I might just as well not be at Eton. I am thought a stingy, sulky fellow if I don't, and therefore I did not see any harm in just going to another boy's room for a little while. Why is it that I am not allowed to sit in another room with my companions? Other private tutors don't prevent their pupils, why should I be prevented? Mr. Cheales asked me why I did go. I told him for nothing particular. No more I did; I went to talk to the boy for a little, just for a change, not to make a row. The Captain was there, and we were all quiet, and talking together about the holidays, &c. Now mind, I am perfectly in good temper, and am not in a passion when I write this. If other boys disobey their tutors like this, they get 50 or 100 lines to write, not to stay for two days after the time, nor are they flogged unless they don't do the punishment. I hope you will consider this, because I am at Eton, and ought to be treated by the rules if I have done wrong. Then let Mr. Cheales complain of me to Dr. Goodford; he punishes others for disobeying their tutors if they don't do the punishment their tutors set them; but why am I to be beaten like a dog because I go to another boy's room, or kept away from home two days? You allowed him to do anything he pleases, and never object; at least, I never have heard you. Other boys play about, but why am I kept like a prisoner?—for I might just as well be in a prison, for it is just like it, being shut up in this room all day, and if I go out of it to be punished as if I had told a lie or been impertinent. He goes out all day and leaves me alone. Well, I get quite

miserable if I see nobody at all; as I say, I might just as well be in prison. Good bye, dear mama.

"Believe me your affectionate son,

"W. F. WINDHAM."

"My dear Mama,—The real truth is, I was tempted to go up to London again after the lost coat, which I got, but I was only there five minutes, as the train got in at 7.30 and left at 7.35—that is the real truth—I was sorry afterwards for what I did—I really was; but I think the reason I did it was that when I got to Eton I left my luggage at the station, and walked up with the note to Freddy, and when I got back I did not like to join so early, so I thought I would try and get my coat, which I did. My dear mama, I am very ill; I have had——, and a very near attack, in fact, a slight one as it is, of the ——.

"I may not leave my room. Mr. Soley says I must really take care of myself, and not get cold in my chest. I hope you will pass over this offence. I really have told the 'whole truth and nothing but the truth.' I did a very foolish thing, and I believe I have been punished by this attack of illness, from which I have not yet recovered; so, dear mama, I hope you will pass it over this time, as I am leaving Eton and getting older. I trust by God's help to do better for the future; therefore, dear mama, I trust you will pardon me for this fault this time, because I really see in what a wicked way I have been going on for the fortnight I was in town. I have done my best to keep straight here, and I hope and trust, by God's help, to meet you on Monday next with a cheerful heart and conscience, and to behave for the future as a dutiful son should—a comfort to his mother.

"Believe me, yours very affectionately,

"W. F. WINDHAM."

"Saturday.

"My dearest Mama,—While you are in town I wish you would mention to the Vice-Chancellor that I quite agree with you that uncle Henry Windham is not at all a proper person for a receiver. I always told Mr. Lucas and Mr. Boyle that my wish was that uncle Hook should be receiver, and I told my uncle Hook so myself. When I wrote a little time ago to Sir W. Forster to wish for uncle Henry, I did so in a passion. You know I told you how very drunk uncle Henry was at Betsy Bounce's and elsewhere, and what a ridiculous row he made, rolling about, swearing, and bellowing like a mad bull; so, of course, I cannot seriously think him a fit person, besides his blindness, and it would not, I know, be at all pleasant to the tenants, who almost all wish him far away; besides, I know what poor papa felt about him. So, dear mama, say what I tell you to, and believe me,

"Your affectionate son,

"W. F. WINDHAM."

"Saturday, June 25.

"Dearest Mama,—We leave here on Monday for Spa, and leave it on Thursday for Cologne, and on Friday for Coblenz. If you write before Friday I shall get the letters at Coblenz, and, if after, write to Frankfort-on-the-Main. Old Bathurst says if you come out and I get travelling with you that he shall go back home; mind you come so as to join me on the 9th of August, my birthday. Cannot you get Wood's leave through Sharpe to join me, and travel for a little with us? We are going to Dresden soon for a month or three weeks to stay. The Cary's are still here; I am now going to see them. Give my love to Theodore, and tell him to come out as soon as he can, and then we can have a lark. I never found it so stupid as I do now; one cannot read here as if one was at home—it is impossible for me to do so. I wish they were all at the Devil. Good-bye, dear mama; send me my studs, and believe me,

"Your affectionate son,

"GLA."

"Can you get me a nice set of waistcoat buttons?—six I want."

The following letter is supposed to have been addressed to Vice-Chancellor Wood in 1860:—

"Sidmouth-lodge, Friday, 17th.

"My dear Sir,—I am perfectly ready to go where you like in England, but I do not wish to be any longer with Mr. Horrocks. I should wish to come and state my reasons to you on Saturday next. I have not received any letter from you as yet, and therefore I await your answer at my mother's house. I do not wish to be guilty of any contempt of Court, but I refuse to go with Mr. Horrocks, as he stated, besides other things, that he would leave me directly if it were not for my money.

"I am, dear sir, yours obediently,

"W. F. WINDHAM."

"Fellbrigg-hall, Norwich, Oct. 1860.

"Dearest Mama,—Will you please send me all my things that belong to me at Sidmouth-lodge? There is a pouch and belt; also a pair of boots of mine, which I want. The weather here is wretched, and most awfully cold. Henry has nearly killed himself, having been pitched out of his gig while driving about. The Norwich ball is on Wednesday next, so I want my belt by Wednesday morning next. I hope you are better now. Uncle Hook has been very kind to me indeed, and behaves like an uncle to me and a friend; he treats me like a man, and not like a baby, which Lord Alfred did.

"I must now say adieu, and believe me your affectionate son,

"W. F. WINDHAM.

"There is no game, or else I would send you some."

"3, Hope-street, Edinburgh, July 2.

"Dear Mama,—I hope you are better than you were. The weather here has at last turned out fine. I read every morning with Mr. Peatfield for two hours or so, and then enjoy the rest of the day out. I find I get on better with him than any other man I ever met with as tutor; he really is like a companion to me, which none of the others ever were. We shall be here another week, and then commence our tour upwards to the North, and so work down to Norfolk about the middle of September, when I expect we shall have tolerably good shooting this year. I must now say adieu, with love to Johnson, and believe me

"Ever your affectionate son,

"W. F. WINDHAM."

DR. SUTHERLAND.

Dr. Sutherland, examined by Mr. Milward.—I have devoted my attention to cases of insanity for twenty-two years, and have written various works on diseases of the brain. On November 6th, 1861, I was applied to by Dr. Neale to examine Mr. Windham. I examined Mr. Windham on the 12th of the same month. The interview took place in my house in Richmond-terrace, Whitehall. I conversed with Mr. Windham the whole time. He told me that he came of age in August last, and that he married Agnes Willoughby on the 30th of the same month. He stated that General Windham wished to make out that he was insane because he married her. The General did not wish him to marry, as he was next heir to the estate, and had broken off an engagement with a young lady of Norwich to whom he was much attached. If the General had allowed him to marry her this would not have happened. He stated the amount of his property to be £3,000 a-year, out of which he had to give his mother £1,500 a-year. He told me that he had settled £800 a-year on his wife, and £1,500 a-year when he succeeded to the Hanworth estates in 1869. I asked him why he was not to succeed before that year, and he replied that there was a mortgage on the estate, which would not be paid off till 1869, and that his father borrowed the money from Mr. Gurney. He told me that he had given his wife £8,000 worth of jewellery and £6,000 afterwards because he communicated to her a particular disease. I asked him how he came to do that. He replied that he had consulted a surgeon, Dr. Whidborne, who told him he was safe and might marry. He told me that he had charged his estate with about £1,500 to pay the annuity. I asked him whether there was any other reason for his uncle thinking that he was insane. He told me that he was considered to be insane because he had been in the habit of driving engines on the railway, because it had been stated that he was cruel to his animals, having shot one of his horses; and because he threatened to shoot himself. He admitted that he had driven engines on the railway. He denied that he had shot his horse, but said that his keeper shot it on account of an injury received from an accident. He stated that he had never any intention of shooting himself, but that he only threatened to do so to frighten his wife. I made another examination of Mr. Windham on the 13th of November. He then told me that he had been in the middle fifth at Eton, where he did the first book of Euclid, and read the sixth book of Homer, the *Æneid* of Virgil, and the Odes of Horace. He repeated that which he had previously said about his income. I asked him whether he had not sold his timber below its value. He replied "that it was uncertain what the value of the timber was at Fellbrigg, as it was twenty-two miles from the railway, and that he borrowed money from Messrs. Lawrence and Fry to escape getting into the hands of the Jews, against which his father had always warned him." I asked him whether he kept his accounts. He stated "that he went over the accounts with his agents, that he

drew his own checks, and always made them payable to order, as that was as good as any receipt." I saw him again on the following day. He brought his groom and footman to give me evidence respecting the charge of shooting a horse and attempting to shoot himself. I examined them separately, and they corroborated his statement to me in the first interview. I have seen Mr. Windham since, but have not examined him. I have heard all the evidence which has been given in court. I think Mr. Windham is of sound mind. There are no symptoms of congenital imbecility or of idiocy.

Cross-examined by Mr. Chambers.—There is a difference between imbecility and idiocy. In idiocy there is a want of development of the mental and moral powers; in imbecility there is only a partial development. Drawing the line between soundness and unsoundness of mind in cases of imbecility is one of the most difficult questions of medical science. I do not concur in the following passage from Dr. Copland's work:—

"Deficiency of intellect appears in every grade and form until it amounts to complete idiocy. The slighter degrees of deficiency are manifested chiefly by weakness of character and capacity, or by stupidity, or deficiency of the powers of perception or of the understanding. These grades of defect are generally not sufficient to render an individual incompetent to the management of his affairs or to conduct himself with propriety, and are hence not considered sufficient to constitute unsoundness of mind in its legal acceptation. But as the original defect may present every grade, from the slightest of those just mentioned to complete idiocy, it is difficult to draw any line of demarcation between what may be considered soundness or unsoundness of mind. This line must still remain unfixed or be only conventional, for no standard or criterion can possibly be established."

^sIn cases of imbecility I always go by practical tests, and in my opinion an imbecile ^sshould be incoherent in his language and inattentive to the calls of nature. As to ⁱimbeciles and idiots, I concur with Dr. Copland in the following passage:—

"From what has been already stated it is obvious that all the grades and forms of original imbecility cannot be described within moderate limits. Nor is a minute description at all requisite. The works of Georget and Esquirol will furnish it, and numerous illustrations of it. I may, however, briefly observe that imbecile persons have a limited capacity for certain actions or employments, and acquire some degree of facility in performing them. These they generally execute in a tolerable manner, while they are quite incapable of any other modes of exertion or occupation. Habit has a great influence on all their proceedings, and gives to many of them an appearance of regularity which may be mistaken for the result of steadiness and of higher powers. All are, however, deficient in the powers of attention and of thought. They are generally timorous, often docile, weak, and inconstant in purpose, and frequently irascible. The senses of some give rise to feeble and dull impressions; of others to more lively perceptions. Memory is strong in some, while in others it is weak and confused in its most ordinary object and frequently repeated idea, or it hardly exists. They display some indications of mind, of intellectual faculties, and of feelings and affections, and they have the use of speech and of language generally in a degree proportionate to the grade of perfection of their several senses and mental powers. They show the same varieties of character, inclination, and moral propensity as persons of stronger understanding. Left to themselves they are careless, lazy, and filthy. At the age of puberty they evince the animal instincts by the most offensive gestures, habits, and solitary vice."

But Dr. Copland leaves out a great deal. Imbeciles and idiots have generally small misshapen heads, and in idiots I have remarked thick knuckles. In some cases, also, there is total absence of the sensual passions. The flow of saliva from the mouth is common in idiocy and in senile *dementia*. An attempt to control the habit is an indication of soundness of mind.

Re-examined.—Mr. Windham has a larger circumference of the head than the average. There is no incoherency in his conversation. He is rather below the average in point of intellect, but he does not at all approach the line where imbecility begins.

By the Master.—I do not think a case of lunacy should be brought into Court unless it involves either delusion, incoherency, or fatuity. Imbeciles are capable sometimes of a certain degree of cunning, but they have not mind enough to deceive a man of ordinary shrewdness. Lunatics are far more cunning than

imbeciles. No amount of eccentricity will evidence insanity unless it is accompanied by some unmistakeable proof of unsoundness.

By the Jury.—I have heard the letters read to-day. I never knew a person of unsound mind who would have been capable of writing such letters.

DR. CONNOLLY.

Dr. Connolly, examined by Mr. Karslake.—I have had three interviews with Mr. Windham for the purpose of testing the state of his mind. They took place on the 6th, the 12th, and the 13th of December, 1861. At the first interview there was nobody present except Mr. Windham and myself. I was surprised by his manner, in which there was not the slightest peculiarity. He was not in the least embarrassed, but was perfectly cheerful, frank, and gentlemanly. I asked him whether he was not rather tired of being continually examined by medical men. He answered good-humouredly that it was somewhat fatiguing, but that he was fully aware of the necessity of it, inasmuch as his family wanted to make him out insane and incapable of managing his affairs. I then asked him upon what grounds he was accused of being of unsound mind. He replied by enumerating the various circumstances which have been so frequently mentioned here—his having lived rather fast and spent a good deal of money and having made an imprudent marriage. I asked him what were his general habits of life. He told me that he had sometimes drank more wine than was good for him, but that he was not in the habit of drinking to excess; that he was not fond of gambling, and that he had never committed any acts of violence which could be taken as indications of insanity. He acknowledged that his marriage was an injudicious step. Throughout the whole conversation he talked rationally and sensibly, and did not utter a single expression indicative of insanity. I think it is a great mistake in such cases to put minute and special questions, and in my interviews with Mr. Windham I conversed with him as I would with any other gentleman. He appeared to me to be of a somewhat hasty and impulsive character. I did not imagine that he was a very intellectual man, but a man accustomed to rough and active exercise, such as the driving of railway engines. I did not observe the slightest trace of any delusion, or the least confusion upon any subject whatever; in fact, if I had not been informed of the charges made against him I should not have dreamt that there was anything the matter with him. He expressed a natural desire not to be deprived of his property or pronounced a lunatic and unfit to take care of himself. He seemed perfectly aware that he had not managed his property prudently, and told me that he had “dipped” his estate rather deeply. When I saw him the second time he had just come from a long interview with Dr. Mayo and Dr. Winslow, and appeared to be rather fatigued. He gave me a good-humoured account of the examination he had undergone, and said that one of the doctors had put a series of questions to him from a paper which, judging from its appearance, he thought must have been drawn up by a lawyer. After telling me about the letter which he had written to Dr. Mayo at the close of the examination—and which, by the way, I thought a very severe test—he said he was anxious to get away to the shooting, but he saw the necessity of remaining in town, and was ready to submit with all due deference and complacency to the examination of medical men. He did not utter one foolish word or one irritable expression, nor did he show the least embarrassment or desire in any way to make an impression. He was perfectly natural, simply himself, nothing more. I saw him again the following day. He admitted that the placard was a foolish thing, said it was written and signed for him by Roberts, and told me he had tried to stop its circulation. I spoke to him about the jewellery. He said he had been rather extravagant in that particular, and had given his wife a good deal of jewellery as compensation for an injury he had done her. He told me that he had just come from Dr. Mayo and Dr. Winslow, and that he was to undergo another examination the following day. He spoke with much good humour, but seemed to think that he was getting rather too much of the doctors. I told him that I had come from Hanwell that morning; that the train was full of Eton boys, and that I was surprised to see a great number of women of the town waiting for them at the station. “Yes,” he said, “it is always so; and those only can avoid them who, having to go home with the down trains, do not require to leave the station, but have merely to pass from one side to the other.” That appeared to me a very sensible observation. I believe he is of perfectly sound mind. No medical man could sign a certificate of insanity in his case, and no keeper of an asylum would think of taking him as an inmate. There was no incoherency in his statements

to me. I found nothing inconsequential in his ideas; literally and truly, I saw not a single indication of unsoundness of mind. *Amentia* is an obsolete term, but when it was used it meant extreme imbecility. Mr. Windham is assuredly not in an imbecile state. t

Cross-examined by Mr. Chambers.—Idiots do write sensible letters, but not frequently, and they can be taught different avocations; but they have all generally a marked defect in their personal appearance, arising from an imperfect physical development. Slaving is seldom seen unconnected with mental weakness.

Re-examined.—I have heard the letters read this morning. I never knew an imbecile who could have written such letters. Idiots never attempt to get rid of the habit of slaving.

By the Jury.—I believe that if Mr. Windham had one good, kind, virtuous friend, he would get through the world very well. His mind is not of a superior order, and his misfortune has been since childhood to have been surrounded by improper persons. He has the capacity to manage his affairs, but that is a different thing from the will to do so.

By the Master.—I do not know a case in which a person is rightfully confined in a private asylum whose unsoundness of mind could not be recognised by a non-medical man. An originally low degree of mental power is capable of great improvement by education. A taste for bad company is perfectly compatible with soundness of mind. The present is a most instructive case, as showing the ill effects of improper treatment and neglect in youth. It is impossible to judge of Mr. Windham correctly without knowing how he was brought up and to what influences he was exposed.

Dr. Babington was called, at his own request, to state that he was not the "family physician" of Agnes Willoughby.

MR. BOWEN MAY, RECALLED.

Mr. Bowen May, recalled and examined by Mr. Chambers.—The documents I prepared for Mr. Windham were his marriage settlement, the disentailing deed, and subsequently his will. I took down the will to Fellbrigg-hall. He executed it in my presence, but he has since destroyed it, in consequence, as I infer, of the misconduct of his wife. I have noted down the contents of the will, as follows:—"To the wife for life, with remainder to children; remainder again to his mother for life; remainder over to his sister-in-law; the one who married first, with consent of guardians, to take the name and arms of Windham." There were some trifling legacies. The executors I think, were the trustees under the marriage settlement—Dr. Whidborne and Mr. Roberts. Mr. Windham told me he had destroyed the will about the time when the application was made to the Lords Justices for a commission of lunacy against him. I had delivered up the will to him a few days before, having declined to act as his solicitor. He gave me no reason for the destruction of the will, but I inferred that it was in consequence of Mrs. Windham having left him. I told him that he had done perfectly right.

The inquiry was then adjourned.

It was incidentally stated that Mr. Roberts, whose name has so often been mentioned, has commenced proceedings against Mr. Field, one of the solicitors for the petitioners, for words spoken during the course of these proceedings.

TWENTY-EIGHTH DAY.—TUESDAY, JANUARY 21.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Jackson, a solicitor, produced several letters addressed to him by Mr. Windham.

This closed the evidence for the defence.

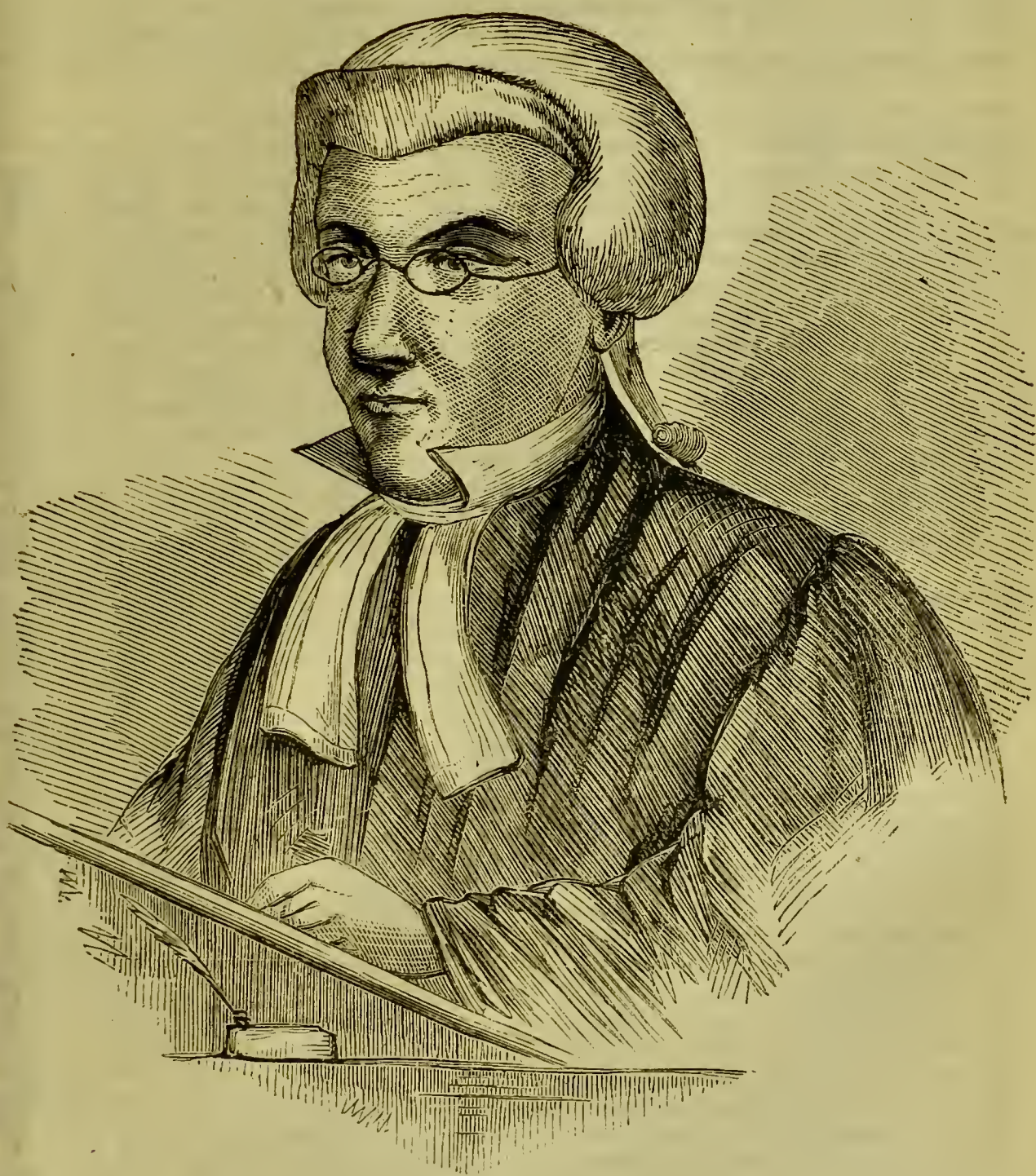
Mr. Russell then addressed the jury for Lady Sophia Giubilei, the mother of the alleged lunatic. His client, he said, had no personal interest in this case apart from the interest of her son, but the Lords Justices had thought that in an inquiry into the mental sanity of her own child she should not be doomed to be a mere passive spectator, and he thought it would be admitted that her counsel had not

hitherto abused the power granted to her to be present and take part in the proceedings. Mr. Chambers, in his able opening speech, had stated that Lady Sophia was to be taken as concurring in the petition against her son. That statement was not correct. Lady Sophia had never concurred—she did not now concur—in these proceedings; but, on the contrary, all her sympathies, interests, and wishes were with her son. It would be unnatural, indeed, for a mother, except upon the clearest grounds and for the most incontestible reasons, to assist in branding her own child with the stamp of mental incapacity. Perhaps the only gratifying feature in this case was that Mr. Windham—of whom it had been said that his heart was not capable of good and that he had no moral feeling—had during his whole life, beginning from his earliest youth, constantly expressed the deep and earnest affection which he entertained for his mother. It was not surprising, therefore, that Lady Sophia, instead of concurring in the petition against her son, should disprove and condemn it. She regretted and grieved over the faults which undoubtedly had stained his youth; but those features of the case had been greatly softened by the evidence for the defence, and Lady Sophia looked forward with confidence to the result of the interview which the Master and the jury promised to have with her son. The jury had to consider a case surrounded by prejudice and falsehood, but he trusted they would rivet their attention upon its real merits. He hoped they would pause long before they fixed upon Mr. Windham the stain of insanity—before they took from him on the very threshold of manhood that which made manhood a thing to be prized—the sense of personal freedom and personal independence. They had been told that this inquiry would have a sobering effect upon him, enabling him to distinguish real from pretended friends, and, if so, it would serve a great and beneficial end. By a verdict in his favour, they would give him an opportunity of retrieving the follies of his youth—the follies of a raw, riotous, unrestrained, and untutored youth—and of playing a part which, though not conspicuous by great deeds, might not be altogether unworthy of the name which he bore, and of the social position into which he was born.

Mr. Karslake was then heard for Mr. Windham. He said: I rejoice to hear from Mr. Russell that there is at least one of the relatives of Mr. Windham who does not appear in the ranks of the petitioners against him. I thought until a recent period that there were two parties in this inquiry—the accuser and the accused; but the jury has been told that, in addition to the other anomalies which surrounds the case, there is no recognised accuser at all, and that Mr. Chambers appears here as a friend of the Court, for the purpose of assisting it in ascertaining whether Mr. Windham is insane or not. The result of the inquiry, whether favourable or the reverse to Mr. Windham, will be to saddle him with a charge of some £15,000 or £20,000, and for that enormous burden he will have to thank the petitioners, because they have chosen to bring forward a case which can not be proved in evidence, and because they have acted throughout, not in a fair, honest, and judicial spirit, but as partisans for the purpose of depriving Mr. Windham of his property, which is the only thing they care a straw about. It must be admitted that, besides the prejudice excited by the petitioners against Mr. Windham, the prejudice which the alleged lunatic has created by his own acts weighs heavily upon him now. Even in contracting his marriage Mr. Windham has done an act which is calculated to disgust society. I should have thought, however, that when it had been proved that General Windham, Mr. Hook, and the other petitioners had made numerous affidavits in the Court of Chancery for the purpose of inducing the Lords Justices to issue a commission of lunacy against their youthful relative, and afterwards had refused to pledge their oaths before the public to the truth of those statements, the case ought at once to have been brought to an end. No doubt I shall hear some specious reasons from Mr. Chambers for not calling General Windham and the other petitioners as witnesses; but I submit that if the jury are satisfied that the motives of General Windham are not so disinterested as they have been represented to be, and that he had declined to appear in the witness-box and to submit himself to a cross-examination in the face of the public from a well-grounded indisposition to repeat in open court the statements which he has made to the Lords Justices, there is no reason, however specious, which can remove the impression from their minds that General Windham has acted incautiously and unfairly. It is not my intention to contest the right of the petitioners to institute a proceeding

which they honestly believe to be necessary and likely to be justified by the result. If General Windham and the rest of the band of petitioners are really of opinion that their statements in the Court of Chancery amount to proof of insanity—if they are satisfied that their allegations can be confirmed by unimpeachable evidence in open court—no fault can be found with them for the course they have adopted, even though they may saddle Mr. Windham with an enormous debt, and expose to the public gaze every vice and folly of his early years. But, I repeat, the petitioners have acted throughout, not as judges of the cause but as partisans, and have done everything in their power to excite a prejudice in the public mind against their young relative. Instead of going to Mr. and Mrs. Martin, who, above all other persons, knew the early history of Mr. Windham, they have produced in the Court of Chancery a series of statements upon which they do not venture to rely before a jury, and they have been guilty of a deliberate concealment of evidence, because they know it would not suit their purpose. It will be recollected, moreover, that they have carefully kept out of sight the character and peculiarities of old Mr. Windham; and yet the jury have heard from Dr. Conolly that it is impossible to judge of young Mr. Windham without knowing something of his treatment in early life and the influences to which he was then exposed. The truth is, I believe, that young Mr. Windham is in many respects a counterpart of his father, all whose frailties and foibles are perfectly well known to the petitioners, who, nevertheless, acting in the spirit of partisans, had done everything they can to conceal them from the jury. During the course of the case for the petitioners, two pictures, one of which must necessarily be untrue, have been drawn of Mr. Windham. According to Mr. Chambers, in his opening speech, backed by a number of policemen, Mr. Windham is a congenital imbecile, continually slaver- ing at the mouth, talking incoherently, and screeching and howling like a madman. That picture has been utterly wiped out by Dr. Winslow, Dr. Mayo, and Lord Alfred Hervey, who have favoured the court with another portrait of Mr. Windham, equally inconsistent with the first and with truth. Mr. Windham, according to the two doctors and his uncle, although of unsound mind and incapable of managing his affairs, is so little of an imbecile that any person might converse with him for hours without perceiving that there was anything the matter with him at all. But the real issue before the jury is not whether Mr. Windham is of unsound mind, or whether he is incapable of managing his affairs, but whether he is incompetent to the conduct of his affairs by reason of unsoundness of mind. It may be true that many of his acts have been profligate and vicious; but what the jury has to consider is, not whether Mr. Windham has spent his youth in excesses of various kinds and has done many foolish and objectionable things, but whether the acts and events which have been proved in evidence are the clear and indisputable result of insanity. I admit that there are defects in the character of Mr. Windham, but those defects are attributable to the example of his father and to the treatment he received in childhood. Mr. Windham seems to have been allowed to do what he liked in childhood; his education, such as it was, ceased at too early an age, and he never was wisely or prudently directed. The evidence of the witnesses shows that when at school he was not a boy of dirty habits, while the slaver- ing is completely accounted for by the peculiar formation of his mouth, which has nothing whatever to do with his mental capacity. At school he was somewhat riotous and boisterous in his manners, and that circumstance, coupled with his fondness for rough out-door sports, satisfactorily explains his *soubriquet* of "Mad Windham." The learned counsel reflected with severity upon the conduct of some of the tutors, and argued that, though apt to resent and resist force when used by those whom he disliked, Mr. Windham was always amenable to authority properly and fairly exercised, while his letters to his mother showed that he had an affectionate disposition. I ask the jury, he continued, whether it is likely, if Mr. Windham is the sort of wild beast he is represented to be by the petitioners—if he is a creature who spent his time in howling and catcalling, a person who never by any chance indulged in coherent and consequential conversation, he would have been kept so long at Eton, or could have induced gentlemen of education, ability, and position to live and travel with him? Mr. Burr, the tutor at Wokingham, has distinctly stated that in point of intellect Mr. Windham is not inferior to the other young men under his charge, and that if he had continued his studies a short time longer he would have passed the army examination without the smallest difficulty. On the other

hand, the evidence of Mr. Cook and others shows conclusively that Mr. Windham transacted his business like any other gentleman, while the conduct of Mr. Andrews, of Rimpton, when he expressed his willingness to allow his daughter under certain conditions, to enter into an engagement with Mr. Windham is clear and convincing proof that in the opinion of a gentleman of great intelligence and position there is not the slightest taint of insanity about the alleged lunatic. The education of Mr. Windham may be said to have closed when he left Eton, for none of his subsequent tutors, or rather companions, ever read with him or ever wished to read with him. Colonel Bathurst has given his evidence with more fairness than the other tutors, but he ought to have stated before leaving the witness-box that, after his connection with the alleged imbecile had altogether ceased, he did not scruple to visit him as a friend. The history of his connection with the East Norfolk militia at Great Yarmouth, abundantly proves that Mr. Windham, though quick to resent an injury, is always ready to show respect where respect is due, and capable of discharging his duties satisfactorily and properly when he chooses to perform them. Mr. Scott, the metaphysician and solicitor, of Aylsham, has formed and expressed the opinion that Mr. Windham is insane, but the same gentleman has on several occasions gone to Fellbrigg-hall and dined with the alleged lunatic, and has taken his wife and daughter with him, exposing them to the insults which a man who could not talk rationally or coherently might be expected at any moment to heap upon them. The way in which Mr. Windham was treated by the gentlemen of his own neighbourhood—the visits paid to him by Captain Ives, a deputy-lieutenant of the county, and his terms of intimacy with Lord and Lady Suffield, ought to have greater weight with the jury than opinions formed upon such flimsy and worthless grounds as those stated by Mr. Scott and others. No person can doubt for a moment that if Mr. Windham had been insane he would neither have been permitted to remain in the East Norfolk Militia, received as a guest by Lord Suffield, nor visited as a friend by Captain Ives. In an evil hour Mr. Windham went to lodge with the Lewellins, in Duke-street. The affidavits of the Lewellins to the Lords Justices were to the effect that Mr. Windham was more like a wild beast than a human being. That he was either unable or unwilling to wash himself, unless compelled to do so. That he was taken out of his room and put into a bath every morning by Mr. Lewellin. That he habitually threw away his money. That he was in the habit of running about the house in a state of nakedness. That he repeatedly exposed his person in a disgraceful manner to Mrs. Lewellin, and that his bed was frequently found in a filthy condition. Can anybody doubt that the Lewellins are mere creatures of General Windham? General Windham has been called a distinguished man. All my information of General Windham has been derived from public report. I care nothing for what his conduct may have been in the field. I judge him by his actions alone, and I beg to tell General Windham that he is a mere carpet knight if he can attack his nephew with affidavits in the retirement of the Court of Chancery, and then decline to repeat his statements in open Court. General Windham has blown his trumpet rather loudly; he has challenged his kinsman to the combat; he has exposed his life to the public gaze with every circumstance of exaggeration and falsehood, but, with a moral cowardice almost unexampled, when his nephew enters the lists to meet him in fair fight, he had left his hired and perjured witnesses to make what stand they can, and has meanly skulked and hid himself in the seat beside his counsel. Here is a man who the day before Mr. Windham came of age treated him as sane and competent, and who, long after his marriage, attempted to sell him a property worth £1,000. The last thing we heard of General Windham was that when Elizabeth Moore had proved the perjury of Mrs. Lewellin in connection with one of the most disgusting features of his case, he left his home in Belgravia on Christmas morning and sought out the humble dwelling of Mrs. Brown, the laundress, for the purpose of seeing whether he could not bolster up the evidence of a baffled and discredited witness. General Windham has not the courage to come forward in open court and support the charge which he has dared to make against his nephew. In the privacy of the Court of Chancery he has ventured to defame and blacken the character of his youthful relative, but he has proved himself craven, recreant, and coward enough to decline to sanction by his oath in the face of the public a story which he has foisted upon the Lords Justices, and which he has not hesitated to support by the evidence of hireling



SAMUEL WARREN, ESQ., Q.C., MASTER IN LUNACY.



witnesses. It is a remarkable fact that, after he had retained the Lewellins as his principal witnesses, General Windham, of whose distinction we have heard so much, did not scruple to dine with a retired valet and his wife to celebrate the birthday of a brother soldier. The house in Duke-street is, indeed, a mysterious establishment. Generals, colonels, clergymen, and distinguished scholars were there, in the habit of dining with a common lodging-house keeper, who one day waited like a footman and the next sat down at table, while his wife took daily airings in a cab with a gentleman whom she called "her baby," and sometimes travelled with him as far as Ramsgate.

The learned gentleman had not concluded his speech when the Court adjourned.

TWENTY-NINTH DAY.—WEDNESDAY, JANUARY 22.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special Jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

The Master.—Before Mr. Karslake resumes his address for Mr. Windham, I wish to express the hope, in consequence of what I have read and seen elsewhere, that there will be no attempt to interfere with the discharge by the jury and myself of the most momentous and difficult duties which we have to perform. Every one must be aware of the extremely painful circumstances under which I am sitting here, and I am bound to acknowledge that hitherto I have received the sympathy of counsel on both sides. I trust that nothing will be done to add to the difficulty of my position, bearing in mind how critical and important are the duties which I have to discharge.

Mr. Karslake resumed his speech. He said: I wish to direct the attention of the jury to the evidence of the Lewellins, which I contend is full of inconsistencies and contradictions, one utterly unworthy of credit. I charge Mrs. Lewellin with having used all her efforts to induce several persons to come into court and assert that which she knows to be false. She has repeatedly attempted to suborn the witness Pritchard, and throughout the whole proceedings has betrayed the zeal of a partisan on behalf of a gentleman whom, in one of her letters, she calls "the dear General." Her evidence has been disproved by her own servants, whom she has traduced and maligned, as well as by other witnesses of irreproachable character. The portrait of Mr. Lewellin has been painted by his own wife. He has been represented as a coarse, brutal, passionate man, constantly abusing and bullying his wife, and as constantly using filthy and blasphemous language to his servants. Such are the couple upon whom "the dear General" relied as his principal witnesses, and by whose help he hoped to be able to prove his nephew insane, and to get hold of the Fellbrigg estates. Eliza Dignam, the sister of Mrs. Lewellin has deposed upon oath that the statements made by that person in her affidavit, and repeated in open court are entirely false from first to last. Gentlemen of the jury, you may believe Eliza Dignam, or you may not, but I maintain that she is a ten thousand times better witness than either her sister or her respectable brother-in-law, who tried to cheat her out of her miserable pittance of £30. Nor should it be forgotten that the general effect of her evidence has been confirmed by her brother, Conway Dignam, upon whom a systematic attack was made by Mrs. Lewellin for the purpose of inducing him to give false evidence against Mr. Windham. It is true that Mrs. Lewellin has denied upon oath that she has ever talked to her brother about Mr. Windham; but in my judgment there is a great deal more blasphemy than solemnity in her appeal to God to strike her dead in the witness-box if what she has said is false. After all, however, the acts of the Lewellins are a complete answer to their words, whether true or untrue. Is it likely that the Lewellins, having had experience of Mr. Windham in their house for one month, believing him to be a noisy, filthy, howling lunatic and imbecile, would have disregarded their own interests as lodging-house keepers so far as to let him apartments for a whole year? Mr. Windham has been charged over and over again with keeping low company. To that charge I must to a certain extent plead guilty. There is nothing to be regretted in his association with railway guards and railway porters, but all must admit that he kept the company of the lowest of the

low when he consorted with the retired valet, the would-be wine merchant, the unlicensed retailer of spirits in his own house, the respectable David Lewellin, of 53, Duke-street, St. James's. It is rather hard, however, that General Windham, who himself had sanctioned the residence of his nephew in Duke-street, and that Mr. Peatfield, who, with his friends, has repeatedly dined at the expense of his pupil in the company of the Lewellins, should now come forward and charge Mr. Windham with a fondness for the society of his inferiors in station. The evidence of the policemen is altogether unworthy of notice. Some of it is false, as in the case of the alleged misconduct of Mr. Windham at the Wimbledon review, and the rest is utterly trivial and unimportant. Mr. Windham may have been in the habit at one period of his life of frequenting the Haymarket; he may have made noises there; he may even have imitated the police, and told the people to "move on;" but surely he is not to be declared insane, and deprived of his personal liberty and his property, for doing that which is done by hundreds of young men with perfect impunity and without any imputation upon their mental capacity? The learned counsel then passing on to the proceedings at Fellbrigg-hall the day before Mr. Windham came of age, when, at the instigation of General Windham, a proposal was made by a London attorney for the resettlement of the property, said:—Here we have General Windham endeavouring with legal assistance to draw his nephew into a bargain which, if it had been carried out, would have deprived Mr. Windham of the power of disposing of his property. Still later the same General Windham bargained and negotiated with his nephew for his own advantage, and yet he now alleges, and attempts with hired and prejudiced witnesses to prove, that from his infancy upwards his kinsman was a lunatic and an imbecile, incapable of managing himself and his affairs. At Fellbrigg-hall Mr. Windham saw the snare so cunningly set for him by General Windham and his henchman, Mr. Jackson, nor could he be persuaded on a subsequent occasion to purchase the property worth £1,000 which his uncle wanted to sell to a person whom he believed to be an idiot. The marriage contracted by Mr. Windham is an unfortunate event, but if every man who has made a similar marriage is to be placed in a lunatic asylum, then the sooner lunatic asylums are enlarged the better. It is not impossible that if we were to search the pages of a *Peerage* we might discover the names of illustrious ladies, the mothers or grandmothers of some of the proudest noblemen now living, over whose unmarried life it would be as well, perhaps, to draw the veil of concealment and oblivion. Miss Willoughby has been represented as a person of great personal attractions, and it is not very wonderful that Mr. Windham, who cares for no member of his family except his mother, upon whom all his relations have turned their backs, and who has read and admired letters in the newspapers showing the advantages of an establishment in "the shady groves of the Evangelist," and defending connections not sanctioned by the Church, should have resolved to marry such a lady. The learned counsel next examined the terms of the marriage settlement, and referred to the evidence of Mr. Bowen May as showing that Mr. Windham, however enamoured of Miss Willoughby and anxious to accomplish the marriage, discussed the conditions in a business-like manner, and, in fact, acted throughout as any other gentleman would have done. He next reviewed at considerable length the charge against Mr. Windham of having infected his wife with a particular disease, and criticised minutely all the evidence bearing upon it, contending, first, that many married men had done the same thing; secondly, that Mr. Windham was not aware of the state of his bodily health when he married; and, thirdly, that the injury he inflicted upon his wife caused him to contract a heavy debt with Mr. Emmanuel, the jeweller, and to overlook many circumstances in her subsequent conduct which he might otherwise have deplored and blamed. A great deal has been said, he continued, of his connection with Roberts. It is to be hoped the jury will not judge of the character of that person from what they have heard in this case. Roberts, I believe, has taken steps for the purpose of testing the statements which have been made against him, and meanwhile it is only necessary to say that up to a very recent period Mr. Windham knew nothing of the accusations against Roberts, whatever they may be worth, but, on the contrary, had every reason to regard him as a friend. I cite the evidence of the tradesmen and others from Norfolk and of the servants from Fellbrigg-hall, as proving that Mr. Windham talks rationally and coherently, and transacts his business as a private gentleman and landed proprietor with equal sense, prudence, and intelligence. Among other charges

against Mr. Windham three have been presented in glowing colours to the Lords Justices—first, that he has been guilty of great cruelty in shooting a horse without cause; secondly, that he has fired his gun directly at three men loading hay in a cart; thirdly, that he has attempted to shoot himself. Meerins, the gamekeeper at Fell-brigg, has completely disproved the first and second charges, and it now appears that the horse was shot by Meerins because it was a vicious brute and had so injured itself that it was fit only to be shot, and that there is no ground whatever for saying that Mr. Windham ever fired his gun at three men loading hay; while the act of homicidal mania, as it was represented to be to the Lords Justices, turned out to have been committed by a rusty revolver, taken to pieces, and locked up in a pistol-case. Such are fair samples of the accusations laid before the Lords Justices, for the purpose of inducing them to issue a commission of lunacy. The jury now see what they are worth; but is it not intolerable that by means of such groundless statements, made in the privacy and retirement of the Court of Chancery, the relatives of Mr. Windham are enabled to saddle him with a charge of something like £20,000? It has been established that up, at least, till the 17th of September the principal petitioner did not consider his nephew to be insane. But after the 17th of September Mr. Windham committed an act which in all probability induced his uncle to apply for a commission of lunacy against him. He entered into a timber contract. That contract naturally arose out of his marriage. In consequence of his marriage Mr. Windham became involved in enormous debt, for it is a remarkable fact that he, the heir of a property which in 1869 would realize a rental of between £12,000 and £15,000, ended his minority without a single shilling of his own in his pocket. A supply of money was absolutely necessary, and there were only two modes by which it could be obtained—either a sum must be borrowed upon the estate, or the timber must be sold. Mr. Windham chose the latter alternative, and the persons with whom he made the contract are highly respectable timber brokers in the city of London. Supposing for a moment that the contract is a bad contract, and that Mr. Windham has been defrauded, is every person who has been defrauded to be declared insane and confined in a lunatic asylum? Mr. Windham seems to have been under no delusion about the contract; clause after clause was discussed by him and Mr. Lawrence, and there is not the slightest pretence for saying that he either acted or was treated during any part of the negotiations as a person of unsound mind, incapable of managing his own affairs. Whether the contract is fraudulent or not is a question for the Court of Chancery to decide; it has obviously nothing to do with the sanity or insanity of Mr. Windham; nor ought it to have the smallest weight with the jury in coming to a decision upon the issue before them. I contend, however, that the contract has been grossly misrepresented, that its terms are fair and reasonable, and that, according to the evidence of skilled witnesses, it is rather disadvantageous than otherwise to the purchasers. If Mr. Windham had gone upon the turf, or been enticed into one of the “hells” of London, he might have been obliged, not only to sell the timber, but to part with the whole estate, which he had the power to do, and have gone forth a ruined and disgraced man. In October General Windham called upon Messrs. Lawrence and Fry to get the history of the contract, and then he proceeded secretly to gather information for his petition. From that time forward he was in daily communication with Dr. Forbes Winslow and others, concocting his scheme, and preparing those blunted weapons which he afterwards used before the Lords Justices, but which he has not ventured to wield in open court. Mr. Windham thenceforth was followed by spies and informers, his every action was watched and scanned, and the grossest treason was practised against him by persons who pretended to be his friends. Something has been said about his conduct during these proceedings. The truth is that Mr. Windham has ridiculed them from the first. He believes himself to be perfectly sane; he regards the petition as the result of a cruel and wicked conspiracy got up by General Windham for the purpose of depriving him of his property; and he shared the opinion of many others, that if General Windham, Captain Henry Windham, and Mr. Hook did not venture to show themselves in the witness-box they would at once withdraw their petition, and so save an enormous amount of unnecessary expense. He has been disappointed in that respect, but even Mr. Chambers has admitted that he has reasonable grounds for saying that his uncles would never dare to appear against him in open court. I direct attention to the fact that before he examined Mr. Windham

Dr. Winslow had his mind poisoned by the affidavits filed in the Court of Chancery. I also object to the mode in which the examination was conducted, and complain that Dr. Winslow, instead of talking with Mr. Windham as he would have done to any other gentleman, confined his questions to the filthy and frivolous charges which he found set forth in the affidavits. But Dr. Winslow has admitted that no extravagance or vice could be accepted as insanity, though his friend and colleague in the examination of Mr. Windham, Dr. Mayo, holds the very contrary opinion. Yet it is essential to the case for the petitioners that profligacy should be treated as evidence of insanity. Where is the line to be drawn? If profligacy and vice is insanity, the Divorce Court ought to be abolished, and lunatic asylums to be built for adulterers and adulteresses. Why should Newgate not be pulled down, and a lunatic asylum erected on its site? The doctrine of the petitioners is monstrous. Which is worse—the profligacy attributed to Mr. Windham by his relatives, or the conduct of a man who, having separated from his wife, flaunts in public places with a rouged and shameless courtesan? Much indignation has been expressed against Mr. Windham, but if he is to be restrained as a lunatic on account of his vice, what ought to be done with the man who sells his daughter to some hoary lecher, compelling her to commit the heinous sin of praying at the altar for her speedy widowhood? I trust the jury will give no countenance to the theory of moral insanity, which, though dear to Dr. Mayo and the petitioners, has always been scouted and repudiated by the law and the bench of England. Mr. Windham has committed many bad actions, but he is not therefore insane; and of all people in the world General Windham and the clan Bristol ought to be the last to complain of his misconduct, which is in a great measure the result of their own neglect and ill-treatment. An allusion has been made to the doings at Fellbrigg-hall on Christmas night, when Mr. Windham put on a pair of hunting breeches, blacked his face, and joined in the singing of negro songs. I admit that Mr. Windham did a foolish thing on that occasion, but I submit that it cannot be magnified into anything more than a want of taste, such as that evinced in going to the Haymarket during the course of the present inquiry. But whatever may have been the conduct of Mr. Windham on Christmas night, nobody, I think, can envy the man or woman who had played the part of a spy in Fellbrigg-hall, and given information to the other side. There is treason at work against Mr. Windham. His steps have been dogged for months, his confidential agents have been canvassed, and everything filthy and foul has been raked up against him for the purpose of sustaining a case founded upon falsehood and prejudice. Dr. Winslow, in his own subtle way, has thrown out a bait to the jury in the shape of a suggestion that Mr. Windham, instead of being confined in a lunatic asylum for life, might merely be placed under surveillance for a few years. Let the jury beware of falling into the snare thus set for them. They may depend upon it that the object of the petitioners, however it may be disguised, is to immure Mr. Windham in a madhouse for life. Let General Windham once get his nephew within his clutches, and he will take care that the estates are secured to his own family, and that the personality is in a very few years divided between himself and the other petitioners. Mr. Windham, said the learned gentleman in conclusion, may have been profligate and unfortunate, but that is the most that can be alleged against him. The petitioners have no right to expose his life to the public gaze, until, by something like a judicial inquiry instituted among themselves, they had made up their minds that every one of their positions could be maintained in the open court, and that all their witnesses could stand unscathed the test of a cross-examination. I leave the jury to say whether the inquiry has been conducted in this spirit. If Mr. Windham had been penniless he might have roamed through the world without one of his relatives reaching out a hand to save him; but because he is the owner of Fellbrigg-hall, because he has entered into a contract for the sale of his timber, and because General Windham fears that the property may be lost to himself and his sons for ever, an inquiry has been instituted into the state of his mind, and he is threatened with the severest punishment which can be inflicted upon a human being. Let the jury recollect that they were once young themselves, and let them consider for a moment with what feelings they would regard the man who should rake up and publish to the world all the follies, and possibly even vices, of which they have been guilty in their youth, but which they now sincerely repent and deplore. Is it not the part of a friend rather to cover with a veil the foibles of early life than to expose them to a curious and gaping public? How far General Windham and

the other relatives of my client have acted upon this principle I will leave them to judge. How far, even if they thought themselves justified in proceeding with their petition, it was worth their while to go into many of the filthy and disgusting details with which they have overloaded their case, I will likewise leave them to judge. I am certain that I shall not appeal to them in vain to draw the line between folly and insanity, between profligacy, however great and lamentable, and unsoundness of mind. I am sure that I shall not again have to remind you that you are bound to believe my client sane until the contrary is proved by unimpeachable evidence. On behalf of Mr. Windham I have no necessity to appeal for mercy. I ask simply for justice; and, if I can judge of the effect which the evidence will produce upon you, I think I may safely predict that your unanimous verdict will be that Mr. Windham is of sound mind, and ought not to be deprived of his liberty, which is dearer to him than life itself.

The learned gentleman sat down amid some applause, and the Court immediately adjourned.

THIRTIETH DAY.—THURSDAY, JANUARY 23.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special Jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Coleridge said:—I have the honour to appear before you on behalf of Mrs. Windham, and although I could well be content to leave the case of that lady where it has been put by the speech of Mr. Karslake, yet, inasmuch as she has intrusted me with the defence of her interests, it is only fit and proper that I should address a few words to you on her part. I heartily rejoice that, at the end of more than a calendar month, during nearly every day of which obloquy and invective, insult and reproach has been heaped upon Mrs. Windham with vigorous assiduity by Mr. Chambers, the voice of her counsel should be heard. Miserably feeble as I know that voice to be, utterly unable as I am to grapple as I could wish with the mountain of prejudice which has been suffered to accumulate over this part of the case, it is yet some consolation to me to be able at last in open court to hurl back with indignation many portions at least of the filthy imputations which have been cast upon my client, and to appeal to the honour and manliness of the gentlemen whom I address to do justice, even in spite of prejudice, to a woman who has been cruelly treated and wickedly aspersed. I do not forget that Mrs. Windham and her character have in themselves and for themselves nothing at all to do with this case; but, at the same time, I cannot be blind to the fact that Mrs. Windham, her character, her marriage, her settlement, her whole life up to the present moment, have been the chief weapons of attack upon her husband's sanity. The main charge against Mr. Windham is his marriage with Agnes Willoughby. I do not complain of that—nay, more, it is to my mind most just and right that it should be so. Much as I feel the oppression of the prejudice which has been created, I can say with the utmost sincerity that I should be sorry if such a marriage could be regarded with favour or approval. For any miserable hypocrite, indeed, who, living in open disregard of the laws of God, chooses to affect a sanctimonious horror of the conduct of Mr. and Mrs. Windham, I have nothing but burning contempt and disdain; but, so far as a detestation of impurity and vice is shown by men who themselves live pure, moral, conscientious lives, guiding themselves according to the law of responsibility, and endeavouring to walk right with God, I must, with my whole heart and soul, honour and admire it. Although, however, that may be perfectly true, yet there is none the less a tremendous prejudice excited in the case with which it is my duty to deal. It will be recollected that some days ago I expressed my determination to be present at every examination which might take place of Mr. Windham, and that one gentleman of the jury was pleased to say that he considered that statement an imputation, while another, to whom the remark had not the remotest application, thought it would be more dignified to take no notice of it. I beg now to say that I intended no imputation upon any human being beyond this, that I was afraid the disgusting and filthy stories which had been told against Mr. and Mrs. Windham must have raised very

strong feelings of dislike and almost horror against them both, and that the persons who entertained such feelings might show and express them. Although that would be a thing that no man of fairness and of upright mind could object to, it would still be an act of great injustice to Mr. Windham and to the woman who, after all, is his wife, to whom he is still deeply attached, and from whom no human power, save in the case of adultery, can put him asunder. So far, then, as, thus explained, my observation was an imputation upon any human being, I am afraid it must rest as I made it; but I cannot imagine that gentlemen of intelligence, such as those whom I address, will blame me because, in the discharge of a difficult and disagreeable task, I felt it my duty to speak the truth. It is hardly necessary that I should say to persons of common human feeling that Mr. and Mrs. Windham, whatever faults they may have committed, stand now in a situation, if not to bespeak pity, at least to command forbearance. Everything prized by Mrs. Windham is at stake. Her marriage, her settlement, her position, her prospects in life, the welfare of those two sisters of whom we have heard so much, and upon whom even Mr. Chambers, though prolific in imputation, has not ventured to cast a slur—all hang upon the verdict which the jury may give. Not directly, it is true, because their verdict, even if unfavourable to Mr. Windham, cannot set aside the marriage and disannul the settlement, but certainly indirectly; because everybody must feel that a verdict of twenty two gentlemen, after so lengthened an investigation, must, in any court in which the matter came hereafter to be litigated, have a strong and, indeed, overwhelming weight in the decision at which that court might arrive. More than that, no man can have watched this inquiry from the beginning without seeing that the object of the petitioners—those affectionate uncles and aunts of Mr. Windham—is to get rid of the marriage with Agnes Willoughby. If there had been no marriage—if General Windham had been successful in obtaining a re-settlement of the Fellbrigg estate on the 8th and 9th of August last—can any man of common sense doubt for one moment that we should never have heard one single syllable of this inquiry? His marriage and his marriage only, or chiefly, has brought the whole of this distress upon Mr. Windham. The marriage, from the beginning to the end, has been treated as the crowning act of his insanity, and, in consequence, no imputation has been too gross, no sneer has been too bitter, no story has been too filthy for Mr. Chambers to bring forward in the hope of aspersing and crushing Mrs. Windham, and with Mrs. Windham her husband. You will recollect the manner in which the case was opened by Mr. Chambers. At that time Mr. Chambers believed that Mrs. Windham would not be represented in Court, and yet he did not feel himself restrained by any professional rules—not to speak of higher considerations—from canvassing her whole life and endeavouring to asperse in the strongest language a woman whom he thought could never be heard, and whom he therefore regarded as safe game. It may be admitted that when a body of persons had got a large estate in prospect and a disagreeable marriage in their family, they are entitled to make an appeal to the law, but I ask the jury whether they have ever heard in the whole course of their lives of such remorseless cruelty as an endeavour to make out a man to be mad, to take away the property in which he was interested, to separate him from his wife, to deny him the hope of children and all the sweetest pleasures of existence for the sole purpose of getting rid of a distasteful marriage and an abhorred settlement? Look at the position of Mr. Windham with his affectionate uncles. From the cradle to the age of twenty-one years, utterly neglected by all his family, with a set of second-rate tutors about him who did not understand and were incapable of dealing with their pupil, allowed to come up to London and to run loose about the streets uncontrolled by those attached relatives who, when he went to the devil, flew at him and attacked him with a charge of insanity.—such was the position of this unhappy gentleman in the bosom of his affectionate family when he married Agnes Willoughby. Looking at it apart from prejudice, and unmindful of any of those stories which have not been proved, and never ought to have been stated was there anything in the marriage so exceedingly improbable, so exceedingly contrary to the ordinary working of the human heart, that the person who had entered into it must, therefore, be supposed insane? Here was Mr. Windham, in the first place, not well brought up, with none of the tastes which educated men had, excessively fond of out-door pursuits, rough, boisterous, and riotous in his manner, pro-

bably exceedingly ill at ease with elegant and refined ladies of his own rank of life, probably not exceedingly fond of the society of ladies of the Hervey elevation, and not at all rich *in presenti*, and, therefore, not able to make such an immediate settlement as would induce persons of the Bristol rank to give him their daughters; but, at the same time, a young man of an affectionate disposition, with strong passions, very desirous of marrying, and anxious to retire to the country with his wife, there to enjoy himself in the way most to his liking. Who, on the other hand, was Mrs. Windham? She was not yet twenty-two years of age; she was a very pretty and attractive person; she had ladylike manners; she was a celebrity in certain circles in London. Mr. Windham was neither the first nor the last, neither the youngest nor the oldest, neither the wisest nor the most foolish person who had been fascinated by Agnes Willoughby. If all the gossip I have heard is true, my client is a woman whom to captivate and make his wife might naturally enough be an object of ambition to a person brought up like Mr. Windham. Men cannot be expected to become all at once old, wise, and discreet. Perhaps even in the lives of the jury themselves there was a time when they were capable of doing foolish things—of giving a great deal for a smile from a young, fascinating, and beloved woman. Where in the world would be all our poetry, half our novels, the function of some of the most celebrated writers of the present day, including even the learned Master himself, if there was to be an end to the passion of man for woman, and to the desire of the one sex to connect itself with the other? It is true that the philosopher, when he saw the shade of Helen in the nether world, wondered that for such a face a thousand ships came from Greece, and ten thousand men were slain on the plains of Troy, but he was a cynic, and still the fact remains that for the pleasure of making a beautiful woman his wife many a man would cheerfully sacrifice all his possessions, and brave the censures of his kind. Almost everybody is acquainted with persons who, in the matter of marriage, have not done that which, upon reflection, either they or their friends would justify; and, indeed, if every man who married a pretty woman when he had much better not do it was to be put in a lunatic asylum, we must have a special wing added to Bedlam for such cases. But it is said that Mrs. Windham was not merely a beautiful woman; she was a shameless prostitute, a person common to the whole town. That is just one of the things of which I bitterly complain of on the part of Mr. Chambers. Lord Chesterfield, when told by a famous but frail beauty of his time—Miss Chudleigh—that the world was so sensorious as to say that she had had twins, made a profound bow and said he never believed more than half the world said. If the jury were to apply that wholesome rule to the opening statement of Mr. Chambers, they would not be doing Mrs. Windham more than justice. That my client was a common prostitute, a person upon the streets, a woman whom it was contrary to the ordinary usages of society to become acquainted with and wish to marry, I utterly deny, and at least there is not a tittle of evidence that she was. It is alleged, however, that the marriage was not one of mutual affection, and that Mrs. Windham stipulated in a mercantile and mercenary manner for the purchase of the person which she was to bestow upon Mr. Windham; such might be on the part of Mrs. Windham an act of low morality, though that is doubtful; but what connection existed between the state of Mr. Windham's mind and his willingness to give a handsome settlement to the woman whom he wished to possess for life? The truth is, however, that Miss Willoughby made a considerable sacrifice in marrying Mr. Windham; her affection for Mr. Windham was not strong; she had an allowance of something like £2,000 a year, and she occupied a high position in her own circle. She accepted Mr. Windham, not for the settlement he made upon her, but to obtain an accredited position in society, and to secure the interests of her sisters. It is ridiculous hypocrisy to talk of the marriage as the petitioners have instructed their counsel to speak of it. Half the marriages of our aristocracy are made from no better motives. A beautiful girl gives herself to an old earl or an old marquis for the sake of position; and why, I ask, is that which is honourable, pure, and right in Lady Mary or Lady Susan to be characterised as abominable, mercenary baseness in Agnes Willoughby? What was the conduct of the petitioners when they heard that the marriage was going to take place? Not a single Windham or Hervey among them ever told Miss Willoughby—who, above all other persons, was entitled to a warning on the subject—that Mr. Windham was utterly unfit to contract marriage by reason of unsoundness of mind. Is it the doctrine of

the aristocracy that because a woman is not what she ought to be they are to be emancipated from the ordinary rules of honour, fairness, and justice towards her? If the petitioners had told her, as they should have done, that their youthful relative was insane, Miss Willoughby would not have been such a born fool as to give up a good position for the shadow of a shade. The learned counsel proceeded to argue that the behaviour of Mr. and Mrs. Windham after the marriage was perfectly proper. Not a single act of treachery, he said, not a single breach of hospitality or of professional confidence has been spared for the purpose of getting up evidence against Mr. Windham and his wife. Mr. Cole, the solicitor in Essex-street, has contributed information obtained in his own office when acting for Mr. Windham; a spy was sent down to Fellbrigg-hall on Christmas eve to watch Mr. Windham and see how he behaved; and even General Windham himself, the affectionate uncle, the self-sacrificing tenant-in-tail, the self-denying reversioner, has not scrupled to call at Fellbrigg-hall to negotiate with his nephew the sale of a property worth £1,000. Oh, good, kind, considerate, generous General Windham, the gallant officer, high-minded gentleman, tender guardian, affectionate uncle! See him at Fellbrigg, introduced to its charming mistress, sitting in a very cosy armchair at a warm October fire, sipping his wine and munching his biscuit, but all the while keeping both his eyes wide open for evidence against his nephew or his niece! The learned gentleman, after contending that the evidence did not sustain any of the numerous imputations against his client, referred to certain newspapers which, he said, had informed the public that the Windham property would be saved and the Windham marriage set aside. I hope, he continued, that statement is utterly without foundation. I believe, indeed, that it is utterly untrue, and that those who wrote it totally mistook the character of an English judge, and the temper and honour of an English jury. No English judge, no English gentleman, for all the great estates of all the great families in Norfolk, would do such a black and base act of infamy as to find a man mad in order to set aside a marriage which was disapproved, and to get rid of a settlement which was disliked. On the other hand, if it is thought discreet to read men lessons, I think the enormous cost of this inquiry is lesson enough for the sins which Mr. and Mrs. Windham have committed. To use the words of the late Lord Erskine, "morals come cold in the abstract from the pulpit, but men smart under them when we lawyers are the preachers." "It is neither my duty nor my inclination to say a single word in favour of profligacy or of vice. "Stolen waters are sweet, and bread eaten in secret is pleasant. But he knoweth not that the dead are there, and that her guests are in the depths of hell." Far be it from me to cast a shadow of doubt upon the truth of those sublime and tremendous words, but nothing can be more absurd, and even cruel, than to take a sanctimonious view of Mr. and Mrs. Windham's life, to confound sin and vice with insanity, and to accept immorality and irreligion as proofs of legal incapacity. If religion is to be invoked by the other side, I have no hesitation in saying that I would far rather be the Magdalene who washed her Divine Master's feet with her tears and wiped them with the hairs of her head, than the self-complacent Pharisee who condemned the woman because she was a sinner, and who tried to plume himself before Almighty God upon the outward regularity of his decorous life. Under any other circumstances I would ask your verdict for Mr. Windham with the utmost confidence and with absolute certainty of success; and even in this case, in spite of the mountain of prejudice which had been excited, I appeal to you, with all the earnestness and energy which I can command, and in the name of law, honour and justice, to acquit Mr. Windham and his wife of the filthy and infamous charges which have been so cruelly, so ruthlessly, and so basely pressed against them.

Mr. Chambers was then heard for the petitioners. It will be my anxious study, he said, to address you with calmness and equanimity, with distinctness and conciseness. I have been sorely tempted and tried, but I have read the Book which has just been quoted by Mr. Coleridge, and I hope, after a life of struggles uncheered by any of that assistance which has sometimes been accorded to others, to retire from my profession without a blot upon my escutcheon. Who dares to say that I have not had imposed upon me a difficult, a trying, a fatiguing duty? Who dares to say that in the performance of that duty I have done anything derogatory to the character which every honourable barrister ought to strive to earn for his profession in the public mind? I have listened with attention and admiration to the speeches of my learned friends on the other side, and I venture to say that they are full of

topics calculated to mislead the jury, to raise irrelevant issues. It is now my part to clear away the obscurity which ignorance or intentional misrepresentation has thrown around a very simple case. Both in the newspapers and in the ranks of my own profession a lamentable want of knowledge has been exhibited. The proposition which I am bound to establish in order to entitle me to a verdict is, not that Mr. Windham is a madman or an idiot, but that he comes within the category of persons who are not of such sound mind as to be able to manage themselves and their affairs. Such was the doctrine laid down in the Portsmouth and other cases, and that doctrine is upheld and advocated by all our best and highest medical and scientific authorities. Another popular mistake was expressed by Sir Hugh Cairns when he spoke in such eloquent terms of the horrible condition to which his relatives proposed to reduce Mr. Windham. Everybody knows, or ought to know, that we have done with the dark cells, the shackles, the straw, and the strait-waistcoat, and have adopted a system in our lunatic asylums which is not only beautiful in theory but admirable in practice. Yet a great equity lawyer, backed by two distinguished common law barristers, has endeavoured to persuade the jury that Mr. Windham is to be immured in a madhouse of the old type, shut out from the world and from his friends, instead of being entrusted, as recommended even by Dr. Conolly, to the care of some good, kind, virtuous friend, who would watch over him, advise him, and gradually prepare him for being able at some time or other to manage himself and his affairs. The object of my learned friend is plain and obvious. It is sufficiently betrayed by the wild and unjustifiable attacks which, in language rarely heard in our courts of justice, and somewhat going beyond the wide limits of even forensic license, they have made upon the whole body of petitioners. As an advocate, I ought to rejoice at those attacks, for it is a rule of oratory which Mr. Coleridge, no doubt, has studied in classical authorities, that when you are troubled with a lack of argument upon the real point at issue, you should abuse in the most unsparing and virulent language everybody opposed to you. Without the slightest justification all the petitioners had been attacked in succession by Sir Hugh Cairns, Mr. Karslake, and Mr. Coleridge, and, to take the measure of time, three or four hours have been employed in vilifying General Windham and his friends. I have no hesitation in taking upon myself the whole responsibility of not putting unnecessary witnesses into the box, and of telling General Windham that, as he knew little or nothing of the main points at issue, it would be worse than useless to ask him to give evidence. But the jury themselves, when they reflect upon the long catalogue of questions which Sir Hugh Cairns submitted to their attention as questions which he should have liked to put to General Windham, cannot fail to see that the only and sole object was to worry and torment an active and influential petitioner. Even, however, if General Windham had submitted himself to the tender mercies of Sir Hugh Cairns and his colleagues the maledictions and objurations heaped upon him could not well have been stronger or more outrageous than they have been already. In their ungovernable wrath against the petitioners, ladies as well as gentlemen, my learned friends have used terms which are not unworthy of a place very near the Thames, and not far from the Tower. They have even attacked myself, "but let the galled jade wince, my withers are unwrung," and will the gallant general say the same thing. I have patiently bided my time, and now I venture to say that, without cause or necessity, the grossest imputations have been introduced into the case for the purpose of doing that which my learned friends affect so much to deplore—viz., creating a false and unjust prejudice, and leading the attention of the jury away from the real question before them. If I had called all the petitioners into the witness-box, Sir Hugh Cairns would have said that, as interested parties, speaking for their own benefit, their evidence was not entitled to the smallest weight; and therefore I resolved, as a duty which I owed to Mr. Windham, to the jury, and to the public, not to produce unnecessary witnesses who could say nothing to the purpose. What has been the result of my forbearance, and what were the epithets which a barrister has thought fit to bestow upon a hero? If I had only heard the expression of Sir Hugh Cairns when he declared that General Windham was skulking in the seat beside his counsel, I should have contented myself with saying, "a word hastily spoken, but as quickly, as heartily, and as bitterly repented." But when, during the speech of Mr. Karslake, I heard the words "slink," "moral coward," "carpet knight," and other epithets culled from a

vocabulary which, in my early days, was unknown among gentlemen, then, indeed, I think that malignity stalks abroad, and that it is time to rouse myself and declare how shameful, or how shameless, such language is in a court of justice. Slink, skulk, moral coward! Was Mr. Karlake, when he presumed to talk thus of General Windham, entirely ignorant of the annals of his country? The cheers of his brother soldiers, his election by the gentlemen and yeomen of his own county, the honours bestowed upon him by the State for conspicuous public services testify to the character and ability of General Windham. Skulk, coward, carpet knight! General Windham has won his fame upon the battle-field. He has sought

“ — the bubble reputation
Even in the cannon's mouth,”

and gathered his laurels

“ — i' the imminent deadly breach.”

General Windham is not a fit subject for the abuse of lawyers. His country has acknowledged his services. He never skulked in the hour of peril. Sufferings and hardships almost unexampled he has endured, like his brave comrades, with manly fortitude. When we were sleeping in our beds in comfort and happiness he was at the post of danger, and it was there he won his glory. Such epithets as Mr. Karlake has bestowed him he could shake from him like “dewdrops from the lion's mane.” A gnat may sting a lion, or a gadfly a horse, but it is only a gnat or a gadfly after all, while the horse or the lion remains the same as before. It is deeply to be regretted that General Windham should have been so rudely and coarsely assailed, and I may be permitted to express the hope that in a public court of justice in future an honourable officer will be protected from attacks made for the purpose of withdrawing attention from the real merits of a most important and most difficult case. The learned gentleman then proceeded to analyse the evidence for the defence, with the view of showing that, even according to his own witnesses, Mr. Windham was no more capable of protecting himself from cheats and sharpers than a child of twelve years of age. He ridiculed the theory advanced on the other side, that all the absurd, extravagant, and irrational acts committed by Mr. Windham were to be ascribed to a neglected and defective education and not to unsoundness of mind. No young gentleman ever had more care and anxiety bestowed upon him; no young gentleman of his rank ever had more money laid out upon him. Everything had been done to train and educate him, but trial after trial had failed, and his mind remained a barren soil, incapable of cultivation. Time had made no impression upon him, and he was now what he had always been—a noisy person, dirty in his habits, rude in his manner, incoherent, inconsequential and irrational in his conversation, incompetent to manage affairs or to prevent himself from being victimised by designing scoundrels of both sexes.

The learned gentleman had not concluded his speech when the Court adjourned.

THIRTY-FIRST DAY.—MONDAY, JANUARY 27.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigghall, Norfolk, was resumed to-day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special Jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karlake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Chambers:—I resume my reply for the petitioners by saying that with respect to one portion of the testimony, at least, there was no absolute contradiction or inconsistency. I refer to the evidence of what may be called the experts in medical science. Although there is an adage that doctors often disagree, yet, in point of substance, the medical men who have come forward for the purpose of showing that Mr. Windham is not in a state of mind to take care of himself and his affairs are not contradicted by those who have been examined on the part of the alleged lunatic. The doctors who have appeared for Mr. Windham are partisans of the strange theory, that all the weakness, all the imbecility, all the extraordinary conduct of the alleged lunatic, is to be ascribed to a defective or neglected education; and my learned friends on the other side, in their eloquent and impassioned appeals to the jury, adopting a suggestion probably derived from medical consultations, have dwelt upon the fact that Mr. Windham is not an imbecile, is not an

idiot, and is not insane. There cannot be a greater fallacy than the one involved in this argument. The doctrine laid down by Lord Eldon and Sir John Nicholl is clear and explicit, and acting upon this doctrine the jury must inevitably come to the conclusion that Mr. Windham is of such unsound mind as renders him incapable to take care of himself and his property, and that it is their duty to protect him from being victimized or destroyed by those persons who are always ready to prey upon weakness and imbecility, especially when accompanied by wealth. But Dr. Tuke and his professional friends do not recognise any intermediate state between absolute idiocy and lunacy, and their statements upon that point, though opposed *in toto* to the law of England as declared by Lord Eldon and Sir John Nicholls, have formed the basis of the argument advanced on behalf of Mr. Windham. In reality, however, some of the doctors have placed Mr. Windham in the category the existence of which they deny, and upon their evidence alone the jury could have no hesitation in saying that the alleged lunatic is clearly in that intermediate condition between absolute idiocy and positive madness or lunacy, accompanied with delusions, which entitle him to the protection of the law. Dr. Tuke, though acting throughout rather in the spirit of an attorney than in that of a disinterested scientific witness, has admitted that if Mr. Windham had settled the whole of his property upon his wife he would have regarded him as imbecile. Why, Mr. Windham has given away more than the whole of his property, and therefore, according to his own scientific witness, he is incompetent to manage himself and his affairs. Nor is it possible for any one to read the placard addressed to "the people of Great Britain" without coming to the same conclusion. That outrageous document, calling upon the people to meet in Hyde Park, and even appealing to the Queen to exercise her prerogative on behalf of Mr. Windham, shows conclusively that the alleged lunatic was completely under the control and dominion of Roberts in Piccadilly, and was consequently in a state requiring protection. Dr. Edward Seymour might be called the general consoler. The most extraordinary acts were no proofs of insanity to him, and he seemed to be of opinion that all the lunatic asylums of England might be swept away to-morrow with great advantage to the community. Sir Hugh Cairns, without any reason or foundation for his statement, has called Dr. Mayo the champion and standard-bearer of the theory of moral insanity. It is to be hoped that Dr. Seymour does not intend to put himself forward as the champion and standard-bearer of the theory of universal sanity. But even Dr. Seymour has admitted that Mr. Windham, to use his own expression, was young for his years; in other words, is in that state of childishness which renders him incompetent to manage himself and his affairs. The leading error committed by Dr. Sutherland is, that he ignores and does not recognise the middle region between idiocy and lunacy in which Mr. Windham is placed, and hence his evidence cannot be regarded as of the least importance in the present case. Dr. Conolly is too good-natured. He is one of the kindest men living, and it is not surprising to hear that he would hesitate before putting Mr. Windham into a lunatic asylum. But even Dr. Conolly has admitted that nothing can save Mr. Windham except being placed under the charge of some good, kind, virtuous friend. Why, that is all the petitioners want, and Dr. Conolly might be taken as their witness. I next examine the medical evidence given in support of the petition, and remark that Drs. Winslow and Mayo have not been treated with common fairness. Dr. Winslow, in a large portion of his evidence, merely forestalled statements which were subsequently made by the medical witnesses for Mr. Windham. One of the most important facts elicited by Dr. Winslow was that Mr. Windham knew that the night before her marriage his wife, the immaculate Miss Willoughby, slept in the same house with a former paramour. Such was his inexpressible idiocy that he led his bride to the altar hot from a bed of lewdness and vice. His continued intimacy with Roberts, after that person had told him that he had slept with his wife before her marriage, was another proof of his utter want of decency and honour. When a man marries a woman of equivocal character he makes up his mind to it, but he never dreams, unless he is imbecile, of taking her to the house of a person who has slept with her before marriage. Dr. Winslow, therefore, is perfectly justified in saying that no man would have acted as Mr. Windham has done unless he were drunk, drugged, or insane. The medical evidence, in short, is complete and conclusive. It does not prove that Mr. Windham is an idiot or a lunatic, but it establishes beyond a shadow of doubt that he is in a state and condition of mind which entitles him and his property to

the protection of the Sovereign. The learned counsel next referred to the evidence of Mr. Hancock, the surgeon, who had deposed that by reason of the peculiar formation of his mouth, Mr. Windham could not speak or laugh like other people, while the process of deglutition must be accompanied by an unusual sound, and unless extraordinary power was used in controlling it, there must be a constant slavering at the mouth. What happened after Mr. Hancock left the box? Witness after witness came forward and said that they had never observed anything peculiar or strange in Mr. Windham's laugh, in the sound of his voice when speaking, or in his manner of eating. They proved too much, for according to them certain things never existed which Mr. Hancock, an experienced anatomist, had previously said must be. No doubt, he continued, Mr. Hancock has accurately described the structure of Mr. Windham's mouth; but that structure, if it proves anything, shows that Mr. Windham belongs to the imbecile class. The general evidence for Mr. Windham corroborates in all essential respects that for the petitioners. It convincingly proves that Mr. Windham in point of mental capacity is now, and always has been much below the average; that he is dirty in his habits, untruthful, rude, and boisterous in his manners; that his conversation is irrational, incoherent and inconsequential. I ask the jury to pay no attention to the testimony of the servants and dependants from Fellbrigg-hall, and direct your attention to the fact that Mr. and Mrs. Martin whatever they may have said in court, have, from first to last treated Mr. Windham just like a child. The evidence of the tradesmen from Norwich, being that of interested persons, should be received with suspicion, but such as it is, it tends to produce the conviction that the allegations of the petitioners are true. It will be recollected that during the cross-examination of Mr. Howlett, the ironmonger of Norwich, a most important disclosure has been made, viz., that Mr. Windham has frequently visited the Haymarket since the commencement of these proceedings, thus showing that he is utterly unconscious of the pinch of the case and of the lamentable position in which he is placed. For that piece of information I am indebted, not to a spy, but to one of those remarkable and useful accidents which occur in a court of justice for the establishment of truth and the destruction of falsehood. It has been proved by Mr. Horrocks that when residing in Sandgate Mr. Windham visited the camp at Shorncliffe, but the officers complained of his conduct and requested that he might be kept away. A Mr. Drew, who at one time kept an inn at Sandgate, but who is now the landlord of an hotel in the Strand, has been produced to say that Mr. Windham associated with the officers at Shorncliffe; but not one of these officers have made their appearance. Here then is a class of witnesses "conspicuous by their absence." He also remarked on the absence of Lady Sophia Giubilei and of Mr. Chappel her solicitor, and stated that it indicated pretty clearly what their real opinion of the mental condition of the alleged lunatic was. Sir Edmund Lacon, and the other officers in the East Norfolk Militia have perhaps satisfied the jury that he was guilty of no misconduct at mess in Yarmouth, but none of them have declared that he was ever intimate with Mr. Windham; while the acknowledgment made by Adjutant Holmes, that he might have said he was "an awful liar," conclusively shows that he was not a fit associate for officers. I ridicule the evidence of Lord Claude Hamilton, Sir Henry Robinson, Captain Ives, and others, and I contend that it has nothing to do with the present case, and is consequently not entitled to the smallest weight. Sir William Foster has said in effect, "I come here to prove Mr. Windham sane and competent, but I am bound to admit that he is below par and requires assistance," which is precisely what the petitioners allege. I now turn to the general evidence which has been adduced on the part of the petitioners, and I argue that it is credible, consistent, and conclusive. It shows that in spite of all the attempts to cultivate his mind and improve his manners Mr. Windham cannot be advanced beyond that state of childishness which renders him an easy prey to cheats and swindlers. The witnesses for the petition have been subjected to every species of vituperation, but their evidence remains unshaken, and I cannot help thinking that the case which requires to be supported by such language as that used by Sir Hugh Cairns, Mr. Coleridge, and Mr. Karslake, must be a desperate and hopeless one. Mr. Karslake has talked of the clan Bristol, and Sir Hugh Cairns has represented the petitioners as at once cruel and deceitful. The truth is that they have been compelled by considerations of common humanity to interpose between Mr. Windham and destruction, and the time will yet come when all will acknowledge that it is a base slander to say that they are influenced by deceitful, cruel, or interested motives in





SIR G. ARMITAGE, FOREMAN OF THE JURY.

the steps they have taken to save their youthful relative. I am astonished that Mr. Coleridge, for the purpose of attacking persons of position and influence, should have enunciated doctrines more extraordinary than any that ever fell from the lips of a profligate desirous of confounding vice with virtue and making wickedness appear to be innocence and goodness, and should have exposed to the affrighted gaze of the public a circle which is generally banished from the recollection of those who move in decent society, or which, when it is remembered at all, is thought of with lamentation and distress. Mr. Coleridge, in fact, has spoken of the aristocracy as if they were the most despicable race in England; and as if the pyramid of society rested upon its apex instead of its base. I myself have been attacked in unsparing and virulent language. A great equity lawyer has accused me of conducting this inquiry as if it were a case of petty larceny; but I can bear such twits as these, because I stand here as an independent man, owing nothing to favour, and because, although I have been engaged in petty larceny cases, in *nisi prius* cases, and in running-down cases, I have never been driven in pure desperation to make an unwarrantable attack upon those opposed to me.

The learned gentleman had not concluded when the inquiry was adjourned.

THIRTY-SECOND DAY.—TUESDAY, JANUARY 28.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg hall, Norfolk, was resumed to-day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special Jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

Since the speeches began the proceedings have been unusually dull, but the thirty-second day of the inquiry was marked by an incident which, in the absence of more interesting matter, may be worthy of note. Mr. Chambers had not proceeded far when he suddenly stopped and complained that Dr. Gwin, one of the witnesses for Mr. Windham, was staring him in the face and grinning from ear to ear. Such conduct, he said, was neither fair nor polite, and he requested that Dr. Gwin, who was sitting opposite to him, should be asked to remove to another part of the court. The Master complied with the request of the learned counsel, which was backed by the foreman of the jury, and Dr. Gwin, who was now grave enough, whatever he might have been before, changed his seat. Unfortunately, however, in the hurry of the moment, he placed himself immediately below Mr. Chambers, who again asked him to go somewhere else. The Master interposed a second time, and eventually Dr. Gwin found a resting place in a dark corner out of sight, where he remained for the rest of the day.

Mr. Chambers, resuming his speech for the petitioners, commenced by directing the attention of the jury to the general evidence against Mr. Windham, reserving for after consideration the residence in Duke-street, the marriage with Miss Willoughby, and the timber contract. He said:—I vindicate the character and professional attainments of Drs. Nichol and Dalrymple, of Norwich, which have been unjustly and virulently attacked, and I maintain that the testimony of those gentlemen proves Mr. Windham to be a congenital imbecile, able to protect himself from physical injury, but utterly incompetent to the management of affairs. What gives peculiar force and value to their evidence is that they have known the Windham family for many years, and have enjoyed opportunities of observing the alleged lunatic from his birth upwards. One of them, indeed—Dr. Nichol—had examined him at the request of his father in early childhood, and had even then formed and expressed the opinion that, if not an absolute idiot, he was a person of unsound mind and would never be capable of managing himself or his affairs. Evidence to the same effect has been given by Dr. Johnstone of Norwich, Dr. Buck, of Cromer, and Dr. Illingworth of London, all gentlemen of considerable experience and eminence in their profession, and witnesses whose candour and truthfulness cannot for a moment be questioned. To assail such men with scorn and ridicule may be very clever, but it is an unmistakeable symptom of a desperate and hopeless case, and can have no effect upon the jury. An attempt has likewise been made to cast discredit upon the tutors who have given evidence in support of the petition. Surely, however, it will not be pretended for an instant that gentlemen of position and attainments, all of them clergymen of the Church, have deliberately come forward and perjured themselves for the purpose of

destroying a former pupil. Mr. Cheales has minutely and graphically described the conduct and habits of Mr. Windham at Eton—his rude and boisterous behaviour, his dirtiness, his blubbering, his slaving at the mouth, his fondness for low company and low pursuits—and that conduct and those habits were consistent only with the appellation of “mad Windham,” which his acute schoolfellows bestowed upon the alleged lunatic. I argue that if Mr. Windham was in the fifth form at all, which has not been clearly proved, he got there by favour and not by examination, and I cite the evidence of Mr. Hale, the mathematical master, to show that he was unable to do the school work, was a boy of weak intellect, and was kept so long at Eton out of mere charity and pity. After leaving Eton Mr. Windham resided with his mother in Torquay. He was then about seventeen years of age, and yet, according to the testimony of Mr. Goodwin, his tutor, he was so much of a child that he tried to ride his mother like a horse, turned a rough dog loose among the ladies at an evening party, and ate his meals in a voracious and offensive manner. Next came Colonel Bathurst, formerly an officer in the Guards, a gentleman against whom not a single word could be said by the most unscrupulous advocate. The jury would recollect the kind, modest, and gentlemanly tone in which Colonel Bathurst gave his evidence, but that evidence, careful and measured as it was, indicated such a want of mental power on the part of Mr. Windham as rendered him incapable of taking care of his property. Colonel Bathurst spoke to sudden, violent, and unprovoked fits of passion; to behaviour in the presence of ladies showing something more than a mere want of the manners of society; to at least one act of cruelty to animals; to an utter ignorance of the value or the use of money; and to habits and instincts inconsistent with mental soundness. An inhuman attack has been made upon Mrs. Wilkinson, and almost at the last moment Mr. Karslake has been instructed, contrary to good feeling and to right taste, to insinuate that she endeavoured at Spa to catch Mr. Windham for her daughter Clara. There is not the slightest foundation for that unfair and ungallant insinuation, nor can it be said with any degree of truth or reason that Mrs. Wilkinson, a lady of education and elegant manners, has either intentionally or inadvertently made one inaccurate statement. She has made Mr. Windham out to be a mere baby, and her testimony has not been shaken in cross-examination. Cornet Whiteside, who travelled with Mr. Windham in Switzerland for more than a fortnight, and whose testimony cannot be doubted, has described him as indecent, rude, and unmannerly in his conduct, and has expressed his opinion, founded upon personal observation, that he was an idiot and an imbecile. Do the jury believe Cornet Whiteside, or do they not? He is an officer and a gentleman; he must understand the point of honour, and nobody has ventured to contradict his statements. Mr. Horrocks, who was tutor to Mr. Windham after his return from the continent, has been abused and villified, but his evidence has not been touched in any important particular, and it entirely confirms that of his predecessor, proving that Mr. Windham, when approaching his majority, was in reality a dirty, untruthful, noisy, and somewhat spiteful child. So also with respect to Mr. Peatfield, who succeeded Mr. Horrocks, and remained with Mr. Windham until the time of his marriage, at the end of August last. As Colonel Bathurst has attempted to improve Mr. Windham by foreign travel, so Mr. Peatfield tried to improve him by travel in Scotland and elsewhere, but with equal want of success. He found his pupil incapable of cultivation or improvement. In the streets of Edinburgh the conduct of Mr. Windham was of the most outrageous description, and attracted the attention of crowds. The acts described by Mr. Peatfield could have been committed only by a man overcome with drink or an imbecile. It has been proved that drunkenness was not one of the vices which could be attributed to Mr. Windham, and hence the conclusion is inevitable that when he danced, sung, and howled in the streets of Edinburgh he was suffering, not from too much wine, but from unsoundness of mind. I deny the statement of Sir Hugh Cairns and Mr. Karslake, that he introduced the Marquis of Bristol and Lord Alfred Hervey with considerable pomp and parade. He has not been guilty of any such snobbishness; but I venture to say that no two witnesses ever gave their evidence with more calmness, with greater propriety, or with a stronger determination not to exaggerate or overstate. The Marquis of Bristol has dealt very tenderly with his nephew, but he ended by saying, “These proceedings have my entire sanction,” and his declaration was repeated by Lord Alfred Hervey, one of the guardians of the alleged lunatic appointed by the Court of Chancery. Lord Alfred has described

a scene in St. James's-square, when he found his nephew, with his jacket off and his shirt-sleeves tucked up, assisting the servants to clear away the dinner-table, which everybody must accept as a proof of imbecility. Another fact mentioned by Lord Alfred is, that when it was proposed to send Mr. Windham abroad, the latter actually believed that General Windham wanted to poison him, in order that he might get possession of his property. Why, that almost amounted to a delusion, and it might be taken as proving that Mr. Windham is something like a lunatic. I will next refer to what took place at Fellbrigg-hall the day before Mr. Windham came of age, when Mr. Jackson, a respectable solicitor, proposed, with the concurrence of General Windham, a re-settlement of the Fellbrigg property. My learned friends on the other side have twisted that proposal into an attempt on the part of General Windham to benefit himself and his family at the expense of a person whom he believed at the time to be an idiot. Nothing of the kind. In a case of insanity every effort is invariably made, up to the very last moment, by the friends of the alleged lunatic, especially when he is a youth, to keep him in the right path and to protect his property. Such is precisely the course which General Windham has followed with respect to his nephew. The proposal made by Mr. Jackson, with his knowledge and sanction, was intended for the sole purpose of benefitting young Mr. Windham, and its rejection by the alleged lunatic, equally with the reasons he gave for his conduct, only showed he was incompetent to understand his own interests. It is true, then, that General Windham tried to treat his nephew as a rational agent; perhaps he hoped he was a rational agent; but it is equally true that he might as well have hammered at the head of a rhinoceros as attempted to make the plainest matter intelligible to his unfortunate and afflicted relative. The only advantage which General Windham could have derived from the proposal, if it had been carried out, was that in the event of his nephew dying without issue he would have been able to continue in the Windham family a mansion-house and an estate which had been in their possession for 400 years. Mr. Windham—who, since he came of age, has enjoyed the services of no fewer than seven attorneys, itself a proof of weakness of mind—has now disentailed the Fellbrigg property, which might consequently at any moment fall into the clutches of the bad persons by whom he is surrounded. I now enter upon the affair of the Lewellins. I contend that the evidence of the Lewellins, husband and wife, is substantially true. It has been confirmed to a great extent by Mr. Peatfield, the Rev. Mr. Baty, and other witnesses of unimpeachable character. No effort has been spared to destroy it, but it remains unshaken, and I submit it to the consideration of the jury as alike important, conclusive, and trustworthy. The attempt to disprove it by the testimony of discharged servants, and of those two unhappy creatures, Conway and Eliza Dignam, has signally failed, and only shows how desperate and hopeless is the case of my learned friends on the other side. The learned counsel examined the evidence of the railway witnesses at some length. He said:—I maintain that nobody except a born idiot would have allowed his wife to travel with such a person as Roberts in a first-class carriage, with the door locked and the blinds drawn down, all the way from London to Norwich. The whole of his conduct on the Eastern counties line—his driving the engine, his acting the part of a guard or porter, his working as a common stoker, his blowing a whistle to start the train, thereby endangering the lives of hundreds of passengers—was utterly inconsistent with soundness of mind, and can be attributed only to great mental deficiency. So with the acts and events described by the policemen from the Haymarket and its neighbourhood. For a considerable period Mr. Windham was in the habit of frequenting the Haymarket, where the police generally saw him in the company of prostitutes, screeching, singing, howling, dancing, and assaulting the people in the street. He was ridiculed by the women more than other young gentlemen, and the police invariably treated him as a person who could not be held responsible for his acts. At Norwich, Yarmouth, and elsewhere, he represented himself to be a detective from London, and seemed to harbour the delusive idea that he actually was in the police force. The learned counsel was proceeding to comment upon the marriage, when

The inquiry was again adjourned.

THIRTY-THIRD DAY.—WEDNESDAY, JANUARY 29.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Westminster Sessions-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special Jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners ; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic ; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham ; and Mr. Coleridge, Q.C., for Mrs. Windham.

Mr. Chambers, in continuing his speech, said he now approached one of the most extraordinary scenes ever exhibited in a court of justice—I speak of the marriage of Mr. Windham. If that stood alone, and the matters connected with it, no man who gave his impartial and cool consideration to the case would hesitate to say that it was the marriage of an imbecile, and not the marriage of a sane man. I will begin almost at the beginning. How did this marriage arise? Mr. Karslake, in the course of his speech, has alluded to certain letters which appeared in the newspapers referring to a class of persons called “pretty horsebreakers.” That controversy amused the public for a considerable time, although I cannot say it has any tendency to benefit public morals. The object of the letters appears to be to satisfy people who lived in decent society that those persons deserved the epithet of pretty horsebreakers, although they were not horsebreakers, and could assuredly not be pretty. Mr. Windham’s feeble mind seemed to have been attracted either by what he had read in the newspapers, or by the idle conversation he had heard in the Haymarket or other places of respectable resort, and he remarked to his good housekeeper and friend, Mrs. Martins, that he would rather marry a pretty horse-breaker than a lady. In that circumstance, gentlemen of the jury, you will see in Mr. Windham a desire to mix with low society rather than with society of his own station. That taste for low and disreputable society which was found in him in his childhood, continued from his youth, when he was fond of associating with waiters and servants, and of helping them in the discharge of their duties. Such being the facts with regard to Mr. Windham, I will now come to the history of Miss Agnes Willoughby née Rogers. She in the first instance had described herself as a clergyman’s daughter, her father having left her £600 a-year, her two sisters having also been liberally provided for by this beneficed clergyman. By Miss Willoughby this child Windham, whom she called “her boy,” was introduced to Mr. Bowen May, upon whose professional conduct connected with this matter I regret to say I cannot pass any compliments, for such a marriage settlement has been drawn up as I believe has never been drawn up in any respectable office. Mr. Windham was lured on to this by the statement of Agnes Willoughby, who stated that by her marriage she should be giving up an annuity of £2,000, which was just as questionable as that she was a clergyman’s daughter, and that her father had left £600 a-year. It was no doubt an excellent and delicate device, and none but an idiot could for a moment have believed it. The learned counsel having commented on Mr. Bowen May’s further connection with the preliminary transactions, and the consultations which Mr. Windham had with Mr. H. Illingworth and Mr. Johnston, the surgeons, and with Dr. Whidborne on the marriage morning, on the same subject, at the request of Miss Willoughby herself came to the “desecration of the marriage ceremony on that auspicious marriage morning.” The poor dupe, who had been caged up all night, was taken to the drawing-room of a house in Blenheim-terrace, St. John’s-wood, where there were three dressed-up clowns (I do not include Mr. Bowen May, who is always the pink of elegance) consisting of Miss Willoughby’s brother and two other persons. It is represented that they had good clothes on, but they did not look like gentlemen. Probably they had gone to the establishment of Moses and Son, for it is well known that a man may go into that establishment a clown and come out a perfect nobleman, star and garter and all. (Loud laughter.) Then there were the mother of Agnes Willoughby, the widow of the Rev. Mr. Rogers, and Agnes Willoughby’s two sisters, who acted as bridesmaids. They went all together to the retired church at the corner of Grove-road, where the solemn ceremony of marriage was degraded and disgraced. None but a madman could have taken part in such a procession. I follow them to Paris where they were to pass the happy honeymoon. I should like to see the man servant who accompanied them to Paris ; where he was whipped up it is impossible to say, for he is one of the Rogers’ appointments. There a quarrel arose ;

the lady—not the gentleman—wished to go to the Jardin Mabille, a place not distinguished for the choicest manners or the purity of its morals. Probably it had been whispered to Mr. Windham, that it would not be exactly the thing for a newly-married man to take his bride to such a place, particularly as the gentleman was fond of telling everybody he met that he was the great Mr. Windham, of Fellbrigg-hall. At length they left Paris and returned to Fellbrigg. While stopping on the way, at Norwich, Mr. Windham was met by Mr. Gwyn, the surgeon, in a public-house yard. Mr. Gwyn, who was a perfect stranger, went up to Mr. Windham, and asked to give him some shooting. Mr. Windham said, "Oh, yes, come upstairs, and I will introduce you to my wife." After that Mr. Gwyn went to Fellbrigg-hall, and became installed as the medical attendant of this poor simpleton. It was during Mr. Gwyn's stay at Fellbrigg that Mrs. Windham went away. When she returned the family doctor was there, and the poor idiot was persuaded that he had inflicted upon his wife a frightful disorder. For this he was induced to make compensation to her of many thousand pounds. Meanwhile every attempt had been made to sweep away every sixpence that this young man could get at by the sacrifice of any portion of his property. The learned counsel proceeded to examine Mr. Windham's banking account, showing that he had reduced his account to £17, a large sum being drawn in favour of Mrs. Windham and Mr. Roberts, without making the slightest provision for meeting any one of Emmanuel's bills. He said if he had been a free man he would have been unable to meet them, and would have been entirely beggared. He was a poor idiot to accept those bills in favour of people who were plunging him into inevitable ruin. The next point touched upon by Mr. Chambers was the timber contract, relying upon the jury to say that this was the most extraordinary dealing with timber which was growing that was ever engaged in by any timber-broker since they had known anything of the commercial world—a transaction by which a poor idiot had been duped and cheated. In concluding his speech Mr. Chambers said that during these proceedings Mr. Windham had been reconciled to his wife, through the instrumentality of Mr. Gwyn, the family doctor, who introduced himself by asking for two days' shooting. He said I hope that I have convinced you gentlemen of the jury that Mr. Windham is labouring under such a state of mind as renders a man incompetent to manage his affairs. As crimes are now punished, property protected, so does the law protect the imbecile and the insane who are likely to be injured in wealth, health, character, and life. That is the spirit of the English law. Sir Hugh Cairns has referred to a very admirable quotation from Virgil, setting forth the horrible condition of a man who, by the command of an ancient tyrant, was chained to dead corruption. I refer to one who by modern craft and cunning will be fettered to modern corruption unless you gentlemen of the jury will say that at the time he was so lured he was not competent to manage himself. Do you not think the quotation would be more referrible to Mr. Windham if he should be released? If you find him of sound mind the whole of the property of the poor young Mr. Windham will be seized upon by those ugly birds who will soon fly into the portals of Fellbrigg. Mr. Windham will be turned from the doors, and become an outcast in the world. Where is he to go? Will he go to the ancient haunts? Will these ancient haunts receive him? The portals of the hospitable shop of Mr. Barnes, in the Haymarket, receive him? No; they will be closed against his entrance. Within a year, or within a shorter period, he will be deprived of even a sixpence with which to pay for a glass of ale at any of these night houses at which in times past he has spent his money so freely. But what will be his condition even before he comes to that? Do you think that when he goes to the park, or to those elegant resorts of refined society which Mr. Coleridge had so eloquently described, there will be ladies riding without grooms, and with restive horses, ready to accept his kind offices, and, in consideration of his kind offices, inviting him to call upon them as often as he pleased? No, no! It would be—"Begone rags and wretchedness." Mr. Windham must be saved. Am I going too far in saying he shall be saved? But if he is to be saved—saved from ruin of health and character, from disease and wretchedness of life, from disgrace, from scorn, from repulsion—from repulsion from the doors of his own wife, who will be living in luxury upon her £800 or £1,500 a-year—he must be saved through the instrumentality of those relatives who have come forward to do their duty, through evil report and gross abuse; and I feel confident

that he will be saved by the law of the land, and by the verdict which the jury pronounces.

The Master having stated his intention to sum up before examining the alleged lunatic, the court adjourned for a few minutes for refreshment. On re-assembling,

Master Warren proceeded to sum up. He said, gentlemen of the jury, at last this prodigious, and, in point of time, unprecedented case has come into the hands of myself and the jury, to be dealt with calmly and justly, as became men acting under a solemn sense of sworn responsibility. As has been observed, the case involves issues the most momentous of any not involving life and death—momentous also to a reflecting and enlightened public, as to the principles upon which it has to be determined. The excitement existing out of doors in this case must be sternly excluded from this court of justice with reference to the question now before us. If what has occurred in this court has excited feelings of irritation and impatience in those who have only read the details of the proceedings, what must have been the case with us who have been compelled by a sense of duty to sit there and listen, often with a shudder of loathing and of deep disgust? We have listened patiently, but our eyes have been fixed all the while exclusively, unwearingly, on the one great painful and difficult question which the constitution of the country placed in your hands, and in your hands alone. No one is entitled or justified at this stage of the proceedings in pronouncing an opinion upon them, as to their final determination, who has not been here from first to last, and seen what we have seen, and without hearing every witness from first to last, and judging for themselves under the pressure of their respective oaths. So much has been said by the learned counsel on both sides as to the character of the proceedings that I shall only give a very brief account of what is the true position of the matters before you, and how they have come before you. From first to last they have been conducted with exemplary regularity and with vigorous adherence to the law of the land. In November an application was made to the Lords Justices for a commission in lunacy. A vast body of contradictory evidence being brought before them by affidavit, there was no other course for them but to do as they had done, and to send the matter to be determined by a jury. On the face of the order by virtue of which you are here, it appears that there are fifteen petitioners, including the wives of the respective male petitioners. It appears also, that the proceedings were concurred in by the entire family of Mr. William Frederick Windham, with the exception of his mother, Lady Sophia Giubilei. For a time I and yourselves had been under the impression that she concurred in the proceedings; but by the lips of her counsel she has repudiated any sanction, and her husband has sworn that she disapproved of them. The order was dated Nov. 3, 1861, and the question which the Lords Justices had sent you to decide is, whether “Mr. W. F. Windham is lunatic or enjoying lucid intervals, so that he is sufficient for the government of himself, his lands, manors, &c.” These are the words of the order. But I will call your attention for a moment to the interpretation of the word “lunatic,” as given in the second section of the Lunacy Regulation Act. In the interpretation clause occurred these words:—“The word lunatic shall be considered to mean any person found by inquiry to be idiot, lunatic, or of unsound mind and incapable of managing himself or his affairs.” The case for the petitioners was opened by Mr. Chambers by putting a mass of facts before you which undoubtedly are of a very serious nature. The medical testimony is precise and pointed, and from very eminent men. From Dr. Mayo, the President of the Royal College of Physicians, from Dr. Forbes Winslow, and from Dr. Southey, you have heard evidence which you have not forgotten. A great body of facts also has been brought forward by Mr. Chambers, who let fall a few words, on the conclusion of his case, which has convinced me that the case will be one of extraordinary difficulty. The case for the petitioners was concluded on the 1st of January 49 or 50 witnesses having been called who had given most important testimony. Sir Hugh Cairns had then proceeded, in a speech of uncommon brilliancy and power, to address himself to the case which had been established by the petitioners, and to the case he was about to open, and then proceeded to call a body of 90 witnesses on the part of Mr. Windham. I believe that this is the thirty-third day of the proceedings, and we have had one hundred and forty witnesses, who had been examined and cross-examined by counsel, and examined a little by us. I have taken 600 pages of closely-written notes, which I will go over if you require. (Several of the jury intimated that this lengthy

proceeding on the part of the learned Master was quite unnecessary.) I am quite prepared to find—from seeing the extraordinary care and attention you have paid to the case—that you do not require me either to go over the evidence or to give an analysis of the case. I will briefly explain what we have not to do in this inquiry. You are not to try the validity or the invalidity of the acts of Mr. Windham. You are not to try the validity of the marriage, of the marriage settlement, of the disentailing deeds, of the timber contract, of the sales of jewellery, or of any other instrument which has been put in. You have to deal with them as media of proof only of the issue which alone, in its solitary and solemn incidence, is before you. You are not here to try the motives and conduct of the petitioners. I will explain to you what is the question which you have to determine, and what is the law, which you are bound to take from me on my responsibility; and how you are to deal in fairness with the two great bodies of evidence which have been brought before you. The Master quoted a case tried before Lord Cottenham, in which a petitioner in lunacy had moved to have the verdict of the jury quashed, on the ground of their having been influenced by an opinion of his motives. He said you will see the importance, from that case, of not allowing yourselves to be biassed by any consideration of the motives of the petitioners. With regard to General Windham, whose name has been so freely mentioned in these proceedings, and whose conduct has been subjected to such severe criticism, but who has received, at the hands of his counsel, so splendid a vindication, as far as eloquence could go, you are not to decide upon his motives. Even if you assume them to be ever so selfish, the question for you to try is, whether you have got unimpeachable evidence on which you can go, even though the hand might be polluted which has brought it. The counsel for the defence has adverted to the fact that none of the petitioners have appeared, except Lord Bristol and Lord Alfred Hervey. If the others could have given satisfactory evidence, it was a pity they had not been called; but neither of us know that they could have given satisfactory evidence. That was a matter which had to be decided by counsel in the exercise of that discretion which belonged to them. The question, and the only question, which you have to try is, whether Mr. W. F. Windham was of sound mind enough to be able to manage himself and his affairs; or if he were not of such sound mind as to be able to manage himself and his affairs. That there might be no misunderstanding on this point, I will quote Lord Eldon in the case of Ridgway and Darwin, decided in 1802, to point out what is the state of the law as to whom the protection of the law was applicable. Lord Eldon says, “I have reason to believe that the Court did not in Lord Hardwicke’s time grant commissions of lunacy in cases in which it has since been granted. The question is not now whether the party is absolutely insane, as in the time of Lord Hardwicke, but the Court has thought itself authorised—though certainly many difficult and dangerous questions with regard to the liberty of the subject turned on that—the Court has thought itself authorised to issue a commission, provided it could be made out that the party is unable to act with any proper and provident discretion, and is liable to be robbed by any one, under that imbecility of mind, which is not strictly insanity; but, as to the mischief it produces, calling for as much protection as actual insanity.” That is the opinion of Lord Eldon. In 1806, Lord Erskine endorsed that view. In 1827, Lord Lyndhurst implicitly adopted the rule of Lord Eldon, which has ever since been judicially recognised as defining a condition of mind which justified and called for the protective interposition of the law. The legislature had not interposed to alter that legal view, so that you must take that to be the condition of the law which must govern the present case. For these reasons, we must regard the case before you to be of a pre-eminently practical character. The broad question you have to decide is, whether, upon the view of the whole of the vast body of evidence, Mr. Windham is at the present time of sufficiently sound mind to be entrusted with the management of himself and his affairs. You will remember that the whole of the medical witnesses on both sides, when questioned by me, have acquiesced in the correctness of my proposition—that the question before me is a matter of evidence and a question of degree, on which laymen were quite as competent to come to a right conclusion, having all the facts before them, as *expertes*. It is an inquiry, not of a scientific, but of a practical character. This being so, it is for you to determine, having the evidence

and the statements of counsel on both sides before you, whether you found the state of mind of Mr. Windham to be such as to bring him within the scope of the protection of the law on the principles which have been laid before you as defined by supreme judicial authority. Here I will again remark, that mere weakness of character, mere liability to impulse, good or bad, mere imprudent, reckless eccentricity, to which I will add immorality — no, not all of these constitute unsoundness, unless we believe ourselves justified, looking at the whole evidence fairly, in referring them to a morbid condition of the intellect. They might evidence unsoundness, but they did not constitute it. There is a difference between lawyers and medical men as to the existence of that intermediate condition of mental unsoundness which is recognised by supreme judicial authority. Many of the medical men who have been examined have excluded it. But you must remember that Dr. Taylor, in his able work, has distinctly recognised the three kinds of insanity, imbecility, and absolute idiocy. If you keep these three conditions clearly in mind, it will enable you to discard many irrelevant issues. Coming to the evidence which has been adduced, you must bear in mind that, as Mr. Windham cannot be heard as a witness, you must weigh with scrupulous and jealous attention all the evidence bearing on his acts and conduct before you come to a decision. In reference to that great division of evidence, the medical evidence, I must remark that a person is not necessarily of unsound mind because Dr. A. says he is, or of sound mind because Dr. B. says so. You must listen to and weigh such evidence; but it ought to have no greater weight with you than the other evidence. The general body of the evidence which has been brought forward presents a marvellous conflict and contradiction. It is utterly impossible that you can determine on each fact or on the testimony of each witness. The case must be decided on the general value of the whole mass of evidence on either side, weighed and balanced together in such a way as to enable you to form a correct judgment. You must not attach too much weight to the evidence of those who have only casually met Mr. Windham, and who spoke to his condition of mind, as such temporary communication with him is not sufficient to enable them to come to a sound conclusion. We shall have to decide between the theory of the petitioners that Mr. Windham's is a case of congenital deficiency of intellect, and that of the defence, that his mental condition is simply the result of neglected education. I have carefully abstained from allowing any intimation of my opinion on this case to escape me, but I will observe that you must not lightly affix upon the father and mother the imputation of having neglected the education of this young man. With the vast mass of correspondence which has been put in you must deal as you think fit; but with respect to the two letters written by Mr. Windham to Mr. Jackson, and put in as evidence on behalf of Mrs. Windham, I feel bound to say that better letters could not be written by any of the gentlemen in this court. I have called your attention to those letters on account of the argument of Sir Hugh Cairns, that the theory of the petitioners of the low intellectual condition of Mr. Windham from his birth would be disposed of, if it could be shown that he had acted intelligently once, and only once. One great test of the opinion of people is the footing upon which they have dealt with Mr. Windham. Now there is one fact which does not appear to be challenged. That is, General Windham's having negotiated with his nephew for the sale of a piece of land of the value of £1,000. General Windham must either have thought his nephew of sound mind, or, if he did not, why did he offer to deal with a man who could not be a contracting party? You will have to consider how far that is evidence that General Windham considered his nephew to be of sound mind. You must decide whether Mr. Windham is at this moment the great boy he has been represented, or whether he has the average amount of capacity which will enable him to manage his property without being interfered with, and whether everybody has treated him on that footing. You must not, however, apply too high a standard to the young man, for you are not trying whether he is a consummate man of business. I do not intend to go into the question of the evidence of the Llewellyns further than to observe that it was clear that either Mrs. Llewellyn or her brother and sister have deliberately perjured themselves. It will be for you to decide to whom you give credence. The marriage will have to be considered by the jury with reference to its bearing on the state of Mr. Windham's mind. All that I will say about this marriage, its inception, its completion, and what took place afterwards, is what appears to me a perfectly frightful transaction. There has been frightful vice and

weakness; but the cardinal question for you is, does that marriage or any of its incidents and consequences throw light upon the condition of Mr. Windham's mind, with regard to his sanity in the eye of the law. Knowing the terms of the timber contract, you, as men of business, will have to decide whether the entering into such a contract without professional assistance was the act of a sane man. Though cautioned by Dr. Hood and Dr. Seymour to conduct himself with propriety during the course of these proceedings, it appears certain that Mr. Windham has been seen in his old haunts in the Haymarket, and on one occasion talking to a prostitute. I do not wish you to attach too much importance to this fact, but I do not wish you to lose sight of it. The solution of that conduct given by Mr. Karslake is that Mr. Windham despised the proceedings, and thought them unjust, monstrous, and outrageous, and therefore laughed at them. It will be for you to decide how much of the evidence is to be accepted as relevant, and how much is to be discarded as not bearing on the issue. You must look broadly at both masses of evidence, and give your verdict on the principles which have been laid down. You have yet a duty to perform, namely, to have an interview with Mr. Windham, in order that you may see him, talk to him, and hear what he says, in order to apply what you see and hear to what you have heard in open court. I see no reason to alter the decision I have come to, that the interview should take place privately in the presence of counsel, and with a short-hand writer in attendance. My objection to the examination taking place in open court is, that the exhibition would not be in the interest of the public, and that Mr. Windham might utter against third parties what will involve us in hostile actions for slander. Further than that, it is your unanimous wish that the examination should be in private, and it is also in accordance with every precedent on the subject. As soon as the interview with Mr. Windham has taken place, you will be left to yourselves to consider the verdict. The verdict, I am sure, will be founded in justice, whatever it may be. If adverse to Mr. Windham, its effect will be to place him under the benignant protection of the law as to his property and person, but not to incarcerate him in the way which has been suggested as the result of finding him to be of unsound mind.

The Court then adjourned until eleven o'clock on the following day.

The jury will this (Thursday) morning have an interview with Mr. Windham, and after consultation will deliver a verdict, which will terminate the proceedings.

THIRTY-FOURTH DAY.—THURSDAY, JANUARY, 28.

The adjourned inquiry into the state of mind of Mr. W. F. Windham, of Fellbrigg-hall, Norfolk, was resumed to-day in the Westminster Session-house, before Mr. Warren, Q.C., one of the Masters in Lunacy, and a special jury.

Mr. M. Chambers, Q.C., Mr. Field, and Mr. Hume Williams, appeared for the petitioners; Mr. Charles Russell for Lady Sophia Elizabeth Giubilei, the mother of the alleged lunatic; Sir Hugh Cairns, Q.C., Mr. Karslake, Q.C., and Mr. Milward, for Mr. William Frederick Windham; and Mr. Coleridge, Q.C., for Mrs. Windham.

This morning the Master took his seat in court at 11 o'clock, at which time there were present Sir Hugh Cairns and Mr. Karslake in their robes, and Mr. Chambers in his private clothes.

The Master announced that he was very poorly, the result of his great exertions in the case.

Sir G. Armytage, the Foreman, said that the jury had assembled in the room assigned to them, and they were ready to proceed.

The Master said he would be with them in a minute.

Sir Hugh Cairns said he wished once more to renew his protest against Mr. Windham being examined in a closed court. His desire was that Mr. Windham should be examined in open court.

The Master said that in the case of Armstrong—

Sir H. Cairns said he did not want to discuss the case of Armstrong, which had frequently been mentioned, but which had no bearing on the case of Mr. Windham. All he desired was to renew his protest. He presumed that, according to previous arrangement, the jury would not be allowed to ask Mr. Windham any questions, but that all questions would be put through the Master.

The Master said that last night he had informed the jury that they would be allowed to put questions to Mr. Windham in a friendly way. It would be merely a friendly interview.

Sir H. Cairns also protested against this course as being unfair to Mr. Windham.

It was then arranged that the examination of Mr. Windham should take place in the court, from which all strangers were ordered to withdraw. This was at about twenty minutes past eleven, and Mr. Windham was introduced. He was questioned on all the matters which were brought out in evidence—the places he had been to, his early life, his tutors, his acquaintance with Agnes Willoughby, his marriage, his and her subsequent conduct, the jewels, &c. He is reported to have answered all the question put to him unhesitatingly, straightforwardly, coherently, and consequentially.

THE VERDICT.

The Jury retired at three o'clock, and returned in half an hour with a verdict "That Mr. Windham is of sound mind, and capable of taking care of himself and his affairs."

The announcement was received with loud cheers.



LONDON :

J. MELDRUM, PRINTER, 3, RUSSELL COURT, BRIDGES STREET, STRAND.